

Annette Fierro Final Designations

Designation List Report



Fierro, Annette

2022-08-11

Full Final Designations

03:02:13

TOTAL RUN TIME

03:02:13



ID: AF_FINAL

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DESIGNATION	SOURCE	DURATION	ID
5:10 - 20:19	Fierro, Annette 2022-08-11	00:16:13	AF_FINAL.1
5:10	Q. Good morning, Professor Fierro.		
5:11	A. Good morning.		
5:12	Q. As you know, we are here to take your		
5:13	video deposition which will be presented to the		
5:14	jury in Cathrine Veikos's civil rights trial in		
5:15	January.		
5:16	It is my understanding that you		
5:17	will be out of the Philadelphia region at that		
5:18	time. Can you please tell us where you will be?		
5:19	A. Yes. I'm on academic sabbatical as of		
5:20	July 1, so right now. And I have a year-long		
5:21	sabbatical. I will be in Paris for most of that		
5:22	time where I will be completing a book.		
5:23	Q. What is your current position at Penn?		
5:24	A. I am an associate professor of		
6:01	architecture. I have been at Penn since 1993.		
6:02	Since -- before last year, I was the associate		
6:03	chair for eight years. I'm the director of		
6:04	admissions and of advising. I'm the chair of		
6:05	the master's thesis program. I'm the chair of		
6:06	the first year curriculum. And I'm the chair of		
6:07	the study abroad program.		
6:08	Q. Thank you.		
6:09	When you said you were associate		
6:10	professor of architecture, is that with tenure?		
6:11	A. Yes, that is with tenure. I'm fully		
6:12	tenured on the standing faculty.		
6:13	Q. Okay. And the department of		
6:14	architecture is in what school within the		
6:15	university?		
6:16	A. The department of architecture is in the		
6:17	Graduate School of Design, now known as the		
6:18	Weitzman School of Design. It has four		
6:19	departments: Landscape architecture, fine arts,		
6:20	city planning. It has a program in preservation		
6:21	and a program in visual studies.		
6:22	Q. Thank you.		
6:23	When you came to Penn, did you come		
6:24	as an assistant professor on a tenure-track?		

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7:01	A. I did.		
7:02	Q. And were you promoted to associate		
7:03	professor with tenure --		
7:04	A. Yes, I was.		
7:05	Q. -- in the department?		
7:06	A. Uh-huh.		
7:07	Q. Can you describe your area of focus?		
7:08	And keep in mind throughout your testimony		
7:09	today, I think that the audience for your		
7:10	testimony are people who are not college		
7:11	professors or architects.		
7:12	A. It is challenging.		
7:13	Q. Yes.		
7:14	A. Architecture is a synthetic discipline.		
7:15	Okay? We are a professional school of		
7:16	architecture, which means that most of our		
7:17	students are going to receive a master's degree		
7:18	in architecture, and after internships they will		
7:19	be licensed architects.		
7:20	Architecture is a field that		
7:21	combines technology. Right, you have to know		
7:22	how to build buildings. It combines history and		
7:23	theory. You need to know how to think about		
7:24	buildings. You need to know about the history		
8:01	of architecture. We are a very old academic		
8:02	discipline. And we have to be able to think		
8:03	about how we make drawings. So visual studies.		
8:04	And a large part of our curriculum		
8:05	is dedicated to design studios. So a very kind		
8:06	of hands on, one-on-one intensive teaching, yes.		
8:07	Q. And do you have a particular focus		
8:08	within that?		
8:09	A. Well, I lead design studios, certainly.		
8:10	I've been the coordinator of design studios for		
8:11	the entire time I've been at Penn. So I'm a		
8:12	leader in design. But my writing, I would say		
8:13	that my professional work, I work as a scholar		
8:14	and/or writer on technology and culture.		
8:15	So it migrates between how people		
8:16	use technology, how architects use technology,		
8:17	how it is received in the cultural sphere. How		

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8:18	the design and building of materials in		
8:19	particular, and structure affect how architects		
8:20	think about buildings and how they react in a		
8:21	political context.		
8:22	Q. Thank you.		
8:23	You mentioned a couple of different		
8:24	specialties or areas of focus, and I just want		
9:01	to make sure the jury understands what they each		
9:02	are.		
9:03	So when you say technology within		
9:04	architecture, can you help us understand what		
9:05	that means?		
9:06	A. Sure. That's complicated. Right?		
9:07	Q. Okay.		
9:08	A. Because that's really where I sort of		
9:09	probe and I actually ask myself what is		
9:10	technology in architecture.		
9:11	I mean technology for a		
9:12	professional architect means that you know about		
9:13	structures, you know about how materials go		
9:14	together. You know especially not how to build		
9:15	yourself, but how to instruct other people how		
9:16	to build and you know about the economies of		
9:17	that.		
9:18	I work in areas of how culture		
9:19	receives technology. So, for example, right now		
9:20	I just finished a book on buildings that were		
9:21	done in London by a group of architects known as		
9:22	the high tech architects where the built product		
9:23	looked like a machine.		
9:24	So it both employs technology, but		
10:01	it is also culturally read as a technological		
10:02	piece.		
10:03	Does that make sense? Yes, I hope		
10:04	so.		
10:05	Q. Yes. At a high level.		
10:06	A. It is very nuanced. I know, I know.		
10:07	Q. I appreciate that. I think it is very		
10:08	helpful.		
10:09	A. Yeah.		
10:10	Q. And the other thing I think you		

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DESIGNATION	SOURCE	DURATION	ID
10:11	mentioned was visual studies?		
10:12	A. Right.		
10:13	Q. Can you describe what you mean when you		
10:14	refer to visual studies?		
10:15	A. Right. Well, architecture has, as a		
10:16	discipline, has a body of work, because we don't		
10:17	build, we only draw what we are going to build,		
10:18	and those kinds of drawings, I mean there are		
10:19	technical drawings, like working drawings,		
10:20	construction drawings. That's one form of		
10:21	drawing.		
10:22	But communicative drawings like		
10:23	what a building will look like, like		
10:24	representational drawings also has a history of		
11:01	its own.		
11:02	Penn especially is based in the old		
11:03	French Beaux-Arts program where they were known		
11:04	for their magnificent water color drawings. And		
11:05	so you could say that the building that they		
11:06	drew was about how it would be built and what it		
11:07	would look like, but the history of that drawing		
11:08	was on its own very important to us.		
11:09	Q. And the other things I think you		
11:10	mentioned, you mentioned preservation. Is that		
11:11	a separate --		
11:12	A. Right.		
11:13	Q. -- area of focus?		
11:14	A. It is a separate area. That's actually		
11:15	quite a large program. It's a very prestigious		
11:16	program for us.		
11:17	Preservation is basically, you		
11:18	know, historic preservation of important		
11:19	buildings. So it has a lot of history to it.		
11:20	It also has a drawing component to it. It has a		
11:21	lot of technology, which is surprising.		
11:22	But yeah, you have to know about,		
11:23	you know, how grout works in historical		
11:24	buildings and the kind of chemical decomposition		
12:01	of surfaces and, you know, it has its own body		
12:02	itself, yeah.		
12:03	Q. And I think you mentioned also history		

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DESIGNATION	SOURCE	DURATION	ID
12:04	and theory.		
12:05	A. Yes.		
12:06	Q. I don't know whether they go together.		
12:07	Can you describe what you are referring to when		
12:08	you make reference to that?		
12:09	A. Yeah. This is a kind of an academic,		
12:10	it's the most academic of the work that we do,		
12:11	meaning that it is centered on writing. And		
12:12	there is a capacity of history, right, you know,		
12:13	facts and figures and who did this, who did		
12:14	that, when they did this, how it followed.		
12:15	Certain movements in architecture.		
12:16	Theory is most, is more about		
12:17	challenging perceived notions of that history.		
12:18	Debating, speculating about the role of this or		
12:19	that in the profession or in drawing or in the		
12:20	history itself.		
12:21	And it sort of varies right now.		
12:22	Gender studies is actually very important in		
12:23	history theory as is, I mean the whole Black		
12:24	Lives Matter took its role in history theory.		
13:01	And so we're looking at how race plays a role in		
13:02	the built environment, certainly in an urban		
13:03	dimension, but also, you know, in different		
13:04	capacities of what we do, how we interact with		
13:05	the public.		
13:06	Q. And what about design, when I think of		
13:07	architects I think of their designing.		
13:08	A. Right.		
13:09	Q. But is design its own specialty within a		
13:10	school of architecture?		
13:11	A. Well, the design studios are where it		
13:12	all comes together. You know, it is where you		
13:13	synthesize technology, you synthesize history,		
13:14	theory, and you actually, you know -- a design		
13:15	studio meets three times a week. They say for		
13:16	four hours. It is more like six hours. And you		
13:17	basically give a hypothetical problem and the		
13:18	students make hypothetical solutions to that.		
13:19	And so, you know, it is not always		
13:20	buildable, but it is always, it always		

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13:21	speculates about something fascinating. It is a		
13:22	really -- it's a wonderful discipline,		
13:23	especially in the university.		
13:24	Q. Thank you.		
14:01	So I want to talk about tenure.		
14:02	A. Okay.		
14:03	Q. So in addition to going through the		
14:04	tenure review process yourself at Penn within		
14:05	the department of architecture, have you		
14:06	participated in the tenure review process for		
14:07	other candidates?		
14:08	A. I have.		
14:09	Q. Okay.		
14:10	A. All of them since I was tenured I have		
14:11	participated in. In different capacities. I		
14:12	have been a mentor. I have written letters for		
14:13	many people. I have always been in meetings. I		
14:14	think it is a very primary role of an		
14:15	academician.		
14:16	Q. Again, for those of us who aren't		
14:17	academic professors, can you describe what		
14:18	tenure means?		
14:19	A. Tenure, it has a kind of mythology of		
14:20	its own, doesn't it? Okay.		
14:21	Historically tenure was an idea		
14:22	that came up in the 60s, and it was to safeguard		
14:23	people in the academy, safeguard their freedom		
14:24	of speech. So that they could say anything that		
15:01	was contentious politically that was not agreed		
15:02	to by, you know, the upper levels of the		
15:03	faculty. People were given a lifetime contract.		
15:04	Right?		
15:05	And so to get that lifetime		
15:06	contract, they thought it wise that there be a		
15:07	probationary period to see who the person was,		
15:08	how they taught, what they could do before		
15:09	giving them that lifetime contract.		
15:10	As it has migrated, it has become		
15:11	more of a right of passage, and now there's a		
15:12	certain body of work that you are expected to		
15:13	present for tenure review. People want to see		

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15:14	that you are going to be a good teacher, that		
15:15	you are going to be a good colleague, that you		
15:16	are going to produce some kind of work, be it		
15:17	writing or you are going to design buildings, or		
15:18	even now you are going to do drawings. So that		
15:19	production varies that you are engaged by.		
15:20	Q. All right. And you mentioned the		
15:21	probationary period.		
15:22	A. Yes.		
15:23	Q. So is that the period during which you		
15:24	are considered for tenure, I mean the		
16:01	probationary period?		
16:02	A. Yes.		
16:03	Q. And is that a set number of years?		
16:04	A. Yes. It varies from individual to		
16:05	individual. Typically it is six years where you		
16:06	are evaluated for tenure. I mean the way the		
16:07	contract is set up, you are evaluated after your		
16:08	fifth year. Well, actually, no, you are		
16:09	evaluated at the midpoint. Then you are		
16:10	evaluated at the fifth year. And then you have		
16:11	a year's grace where if you are turned down you		
16:12	have a year to find another contract somewhere.		
16:13	There are people who decide not to		
16:14	go up through fifth year, but to go up through		
16:15	six year for a number of reasons.		
16:16	I did that because my book wasn't		
16:17	out yet and I wanted it to be further along		
16:18	before I was reviewed.		
16:19	Q. You mentioned the midpoint.		
16:20	A. Yes.		
16:21	Q. Is that the time where there is		
16:22	consideration for reappointment?		
16:23	A. Yes, that's called reappointment and all		
16:24	of the above is evaluated and you are, you are		
17:01	counseled after that on what the faculty, and it		
17:02	is mostly an internal review. So you are		
17:03	counseled on the things that you need to focus		
17:04	on, what you need to do more of. If you need to		
17:05	improve your teaching, you know, you are told.		
17:06	We have assessment forms that the students fill		

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17:07	out and that's, you know, very concrete.		
17:08	Basically, you know, what you need		
17:09	to be ready to be tenurable by our standards		
17:10	within the department, but as well as		
17:11	university.		
17:12	Q. Is it correct that the tenure review and		
17:13	probationary process is an up or out process?		
17:14	In other words, if you don't get tenured, do you		
17:15	have to leave?		
17:16	A. Yes. By university regulations, you		
17:17	have to leave.		
17:18	Q. Okay. During your probationary period		
17:19	at Penn, did you ask that that period, that		
17:20	probationary period be extended?		
17:21	A. Yes.		
17:22	When I was going up for tenure, I		
17:23	had -- okay, my first child was born in 1994 and		
17:24	my second child was born in 1996. At that time,		
18:01	there was no policy to have your clock extended,		
18:02	have that probationary period extended. And for		
18:03	me, my first child had health problems. He was		
18:04	in the ICU for three weeks and the care required		
18:05	at home was extensive. And I had been given a		
18:06	leave by the department from teaching, but my		
18:07	tenure clock was essentially running. So I was		
18:08	expected to be producing work while I was under		
18:09	this kind of duress.		
18:10	And so I asked that the clock be		
18:11	stopped because it just didn't seem possible.		
18:12	And I was told then by the department that this		
18:13	was a university regulation and I would have to		
18:14	petition the university.		
18:15	I did, and I was told that I should		
18:16	produce a body of research that compared pure		
18:17	institutions. And I tried, but that was also		
18:18	impossible. I was the only woman, I mean there		
18:19	are very few women in architecture schools		
18:20	across the country where -- certainly there are		
18:21	a few women, but there are even fewer women		
18:22	where they were pregnant.		
18:23	And so it was very hard even to get		

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DESIGNATION	SOURCE	DURATION	ID
18:24	names and to find out what the schools were		
19:01	doing because that, you know, required a kind of		
19:02	research effort.		
19:03	Finally the university took it up		
19:04	and they embraced it and they came out with a		
19:05	policy that would grant a full year extension of		
19:06	the probationary period, understanding that this		
19:07	was extremely difficult, and trying to put us on		
19:08	an equal footing with the rest of our		
19:09	colleagues. They wanted to make it fair for us		
19:10	that chose parenthood to become equal with our		
19:11	other colleagues who hadn't.		
19:12	So in fact they gave me the two		
19:13	years -- I'm not quite sure what year it was,		
19:14	when the policy came out -- but I was given two		
19:15	years after like, I think 1999, 2000, so before		
19:16	I went up for tenure, they added two years to my		
19:17	contract.		
19:18	Q. We will look at, we are going to look at		
19:19	the policy and that might refresh your		
19:20	recollection about the timing, but you mentioned		
19:21	that you were, in order to advocate for this		
19:22	policy, you were told to do some research among		
19:23	peer institutions.		
19:24	A. Right.		
20:01	Q. Who was it that directed you to do that?		
20:02	A. David Leatherbarrow asked me to do that.		
20:03	Q. What was his role at the time?		
20:04	A. He was the chair of the department at		
20:05	the time.		
20:06	Q. All right, we are going to look at an		
20:07	exhibit.		
20:08	I am going to hand you what has		
20:09	already been marked as P-1. I will hand that		
20:10	down there.		
20:11	This document has a title "Penn		
20:12	Policies Relating to Junior Faculty Members'		
20:13	Career-Family Balance."		
20:14	Do you recognize that as something		
20:15	that was published at Penn?		
20:16	A. Yes. This is published in the Almanac,		

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	20:17 which is our faculty publication. This becomes		
	20:18 a kind of record of policies as they are		
	20:19 activated currently.		
20:23 - 30:20	Fierro, Annette 2022-08-11	00:09:52	AF_FINAL.2
	20:23 BY MS. UEHLER:		
	20:24 Q. Okay, so the date on this particular		
	21:01 publication is February 28th, 2006.		
	21:02 When you look at this, can you take		
	21:03 a look at the second page, which talks about an		
	21:04 "Approved Revision" at the top there on the		
	21:05 right-hand column.		
	21:06 A. Yes.		
	21:07 Q. To the "Policy on Extension of the		
	21:08 Probationary Periods that Apply to Granting of		
	21:09 Tenure or Promotion to Associate Professor."		
	21:10 I don't necessarily need you to		
	21:11 read it for us, Professor, but can you tell us		
	21:12 the circumstances when the extension is		
	21:13 available to a tenure candidate?		
	21:14 A. It is available before the tenure		
	21:15 review, and it is -- I am trying to be		
	21:16 absolutely correct here.		
	21:17 Q. Sure.		
	21:18 A. So the language is very careful. I'm		
	21:19 not quite sure if it -- I think it happens at		
	21:20 the point of the child's birth now, or very soon		
	21:21 after. And where that falls relative to		
	21:22 reappointment I'm not entirely sure about.		
	21:23 Q. And I was asking an easier question.		
	21:24 A. Okay.		
	22:01 Q. Which is so the extension applies -- you		
	22:02 talked about it in the context of having your		
	22:03 own child.		
	22:04 A. Right.		
	22:05 Q. And so if we look at this exhibit in		
	22:06 P-1, the second page, A(1) talks about the		
	22:07 situation where a child is adopted or born --		
	22:08 A. Right.		
	22:09 Q. -- and placed into the caregiver's		
	22:10 family?		

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22:11	A. Right.		
22:12	Q. And then there are other reasons.		
22:13	A. Right.		
22:14	Q. Are you familiar with what they are?		
22:15	A. Yes, uh-huh. Yes.		
22:16	Q. And is it that in the event of a serious		
22:17	health condition either for the candidate or a		
22:18	family member?		
22:19	A. Right, exactly.		
22:20	Q. Okay.		
22:21	A. Uh-huh.		
22:22	Q. So in addition to extending the years of		
22:23	the probationary period, are there other		
22:24	elements of the policy that are important to the		
23:01	tenure review process?		
23:02	A. I believe this came after the notice		
23:03	that this should be made very clear in the		
23:04	letters to external reviewers. But, you know,		
23:05	given that letters would be sent out with the		
23:06	kind of -- with the candidate's term of		
23:07	appointment, that it wouldn't look like		
23:08	additional years had been added. That in fact		
23:09	the probationary period simply had been		
23:10	extended, but technically it was still the same,		
23:11	yeah.		
23:12	Q. So let's look at, on this exhibit on		
23:13	Page 2 there is a Section D, which we can look		
23:14	at. I am just going to take a moment because it		
23:15	is a little artificial here, but we will be		
23:16	showing this to the jury as well at the time.		
23:17	A. Right.		
23:18	Q. That section, is that the section of the		
23:19	policy that addresses the question you just were		
23:20	talking about?		
23:21	A. Yes, yes.		
23:22	Q. Okay. And we will talk in a little bit		
23:23	about external reviewers, but is it fair to say		
23:24	that those people who are notified are people		
24:01	who are giving feedback about a candidate's		
24:02	tenure case?		
24:03	A. Yes, uh-huh.		

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24:04	Q. Okay.		
24:05	All right, let's talk about		
24:06	Cathrine Veikos.		
24:07	A. Okay.		
24:08	Q. This case is about her and we should		
24:09	talk about her.		
24:10	A. Okay.		
24:11	Q. Did you know Cathrine before she came to		
24:12	work at Penn?		
24:13	A. I had met her a couple of times in		
24:14	Paris, in fact. She was working there and I was		
24:15	teaching studios for Georgia Tech and my		
24:16	colleague knew of her. I don't know how. But		
24:17	he invited her to sit in on student reviews.		
24:18	And this is at the end of the semester, the		
24:19	student presents a final project and usually		
24:20	four or five people are invited to talk about		
24:21	the work. So when I say a student review,		
24:22	that's what I'm talking about.		
24:23	Q. Okay.		
24:24	A. So I think she sat on one or maybe two.		
25:01	I'm not sure.		
25:02	Q. Okay.		
25:03	A. Yeah.		
25:04	Q. Did you participate in the faculty		
25:05	discussions when Professor Veikos was originally		
25:06	appointed to a tenure-track position?		
25:07	A. Yes, I did.		
25:08	Q. Okay. In what field was she appointed?		
25:09	A. She was appointed, and I remember the		
25:10	discussion very clearly because this was -- it		
25:11	was, what, '98? No.		
25:12	Q. 2003.		
25:13	A. 2003, okay. See, I am very shaky. This		
25:14	was a long time ago.		
25:15	We had been hit by the introduction		
25:16	of computers and digital drawing and we realized		
25:17	that we really needed to focus on that. We were		
25:18	largely still hand drawing, and it became very		
25:19	clear that given now the advent of digital		
25:20	medias that everything had changed.		

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DESIGNATION	SOURCE	DURATION	ID
25:21	So we knew we had to focus on that		
25:22	and we knew we had to hire faculty that could		
25:23	focus on that. So she was hired in answer to		
25:24	that in visual studies.		
26:01	Q. To your knowledge, prior to coming to		
26:02	Penn, did Professor Veikos work as a practicing		
26:03	architect?		
26:04	A. Yes. She had a very successful		
26:05	practice, and in fact she had taught a couple of		
26:06	studios at a higher level as a visiting critic.		
26:07	And that's how we first became aware of her,		
26:08	yes.		
26:09	Q. Was it your understanding that Professor		
26:10	Veikos stopped her private architecture practice		
26:11	when she came to Penn?		
26:12	A. Certainly.		
26:13	Q. What was, if you recall, what was her		
26:14	expected focus of her work for her tenure		
26:15	probationary period at the time of her		
26:16	tenure-track appointment?		
26:17	A. Well, because she was appointed in		
26:18	visual studies, there could have been several		
26:19	different routes to take. I think her focus		
26:20	from the beginning was academic. And having		
26:21	taught with her, because we both taught		
26:22	beginning students, and so we were teaching		
26:23	alongside each other, you know, me and beginning		
26:24	studio curriculum and she in beginning visual		
27:01	studies curriculum. But we wanted to		
27:02	cross-fertilize. So we worked together on the		
27:03	curriculum, the drawing types, how the drawing		
27:04	types would feed into the studio.		
27:05	And her focus was always that it		
27:06	wasn't just about the techniques of drawing,		
27:07	like how you draw, what you draw, what line		
27:08	wave, what color, you know. Her focus was on		
27:09	the history of drawing and how that, you know,		
27:10	made you think differently about buildings and		
27:11	how that made you think differently about what		
27:12	you were doing.		
27:13	Q. Okay.		

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DESIGNATION	SOURCE	DURATION	ID
27:14	A. And that has its own kind of historical		
27:15	trajectory, some kind of theoretical trajectory.		
27:16	I mean visual studies is -- I mean		
27:17	it's an official program in the university		
27:18	because I think, you know, certainly the kind of		
27:19	advent of digital medias has prompted that we		
27:20	all think about very carefully how images affect		
27:21	all of the things that we do, all of the things		
27:22	that we think about.		
27:23	So visual studies at Penn has its		
27:24	own different cross-disciplinary program where		
28:01	you get -- I know that five of our fine arts		
28:02	faculty is in that program. I also know that		
28:03	there is a neuro biologist that looks at vision.		
28:04	I also know that there is a few history of		
28:05	science people.		
28:06	So it has always been		
28:07	cross-disciplinary. It is a kind of fertile		
28:08	field of kind of growing speculations about how		
28:09	this works.		
28:10	Q. Okay, but it was your understanding that		
28:11	that was her focus from the beginning of her		
28:12	tenure-track and that she wouldn't continue as a		
28:13	practicing architect?		
28:14	A. No.		
28:15	Q. Okay.		
28:16	A. Yeah.		
28:17	Q. How would you describe your relationship		
28:18	with Cathrine Veikos?		
28:19	A. Well, we were, you know, the only women		
28:20	faculty. I mean with Marion Weiss, but Marion		
28:21	Weiss is a practitioner. She had her -- she is		
28:22	a very successful practitioner. She has an		
28:23	office in New York. She was actually really		
28:24	never there except to teach her courses. So we		
29:01	were some of the only women on the faculty.		
29:02	So, you know, we naturally became		
29:03	close, especially because we were teaching		
29:04	together the same group of students. And I had		
29:05	a great deal of respect for her orientation so		
29:06	it made it, it made it a productive		

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DESIGNATION	SOURCE	DURATION	ID
29:07	relationship.		
29:08	Q. We talked about reappointment a little		
29:09	while ago.		
29:10	Did you participate in the faculty		
29:11	discussion when Professor Veikos was considered		
29:12	for reappointment --		
29:13	A. Yes.		
29:14	Q. -- during tenure? Okay.		
29:15	And were you a member of the		
29:16	tenured faculty at that time?		
29:17	A. Yes, I was, uh-huh.		
29:18	Q. Who was the chair of the architecture		
29:19	department at the time of reappointment, do you		
29:20	recall?		
29:21	A. Bill Braham, I believe, was acting		
29:22	chair.		
29:23	Q. Let's look at a document and maybe that		
29:24	will help.		
30:01	A. Okay, okay. I am sorry.		
30:02	Q. No, that is okay. I want to talk about		
30:03	this anyway.		
30:04	A. This is now 20 years ago.		
30:05	Q. I want to look at Exhibit P-2.		
30:06	A. Okay.		
30:07	So David was. Okay. So David was.		
30:08	So Bill was the chair at the appointment, at the		
30:09	tenure assessment, and Bill -- and David was the		
30:10	chair at the reappointment.		
30:11	Q. Let's look at the letter first.		
30:12	A. Oh, Detlef was, I am sorry.		
30:13	Q. So P-2, why don't you take a look at it		
30:14	for a minute and tell us if you can identify		
30:15	what this letter is?		
30:16	A. This letter would have been the chair's		
30:17	summation of the discussion of the faculty when		
30:18	Cathrine was assessed at the midpoint. And this		
30:19	letter, it goes in different stages. This		
30:20	letter --		
31:03 - 37:13	Fierro, Annette 2022-08-11	00:06:53	AF_FINAL.3
31:03	BY MS. UEHLER:		

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DESIGNATION	SOURCE	DURATION	ID
31:04	Q. So I did want to talk about, so let's		
31:05	just clarify one thing. So the person who was		
31:06	the chair of the department at the time of		
31:07	Cathrine's reappointment was who?		
31:08	A. Detlef Mertins.		
31:09	Q. Okay.		
31:10	A. Yes. I am sorry for that mistake.		
31:11	Q. That is okay. All these letters sort of		
31:12	run together, so.		
31:13	A. Yes, yes.		
31:14	Q. So if we look at this letter, and again,		
31:15	I am just going to take a moment because we are		
31:16	going to be -- you are seeing it, but we are		
31:17	going to want to make sure the jury sees it at		
31:18	the time as well.		
31:19	A. Okay.		
31:20	Q. So this is a letter from February of		
31:21	2006; right?		
31:22	A. Right.		
31:23	Q. In the top paragraph it identifies who		
31:24	was president at that meeting. Is that your		
32:01	recollection?		
32:02	A. Yes, uh-huh.		
32:03	Q. Okay.		
32:04	The letter is from the department		
32:05	of architecture to who, what is the purpose of		
32:06	the letter?		
32:07	A. It might be helpful to describe the		
32:08	tenure and the assessment procedures.		
32:09	Q. We are going to talk about that. This		
32:10	is just the reappointment.		
32:11	A. Okay.		
32:12	Q. So I think maybe just talk about the		
32:13	reappointment itself and then definitely we are		
32:14	going to talk about the tenure process.		
32:15	A. Okay.		
32:16	Q. So with the reappointment, after the		
32:17	department reviews it, is it reviewed after		
32:18	that?		
32:19	A. Yes.		
32:20	Q. Okay.		

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DESIGNATION	SOURCE	DURATION	ID
32:21	A. The department discusses the candidate.		
32:22	Both procedures, really. The chair writes a		
32:23	summary letter and records a vote. And then		
32:24	this letter gets put with the candidate's		
33:01	material.		
33:02	And it goes to the next stage of		
33:03	assessment, is the personnel committee, which is		
33:04	faculty from the other departments in the		
33:05	school. And then they look at it, they assess		
33:06	it, they vote, and then it goes to the dean.		
33:07	Q. All right. So with this, this meeting		
33:08	that is the subject of Exhibit P-2, was the vote		
33:09	for Professor Veikos's reappointment recorded		
33:10	here?		
33:11	A. Yes, it was a unanimous vote.		
33:12	Q. Okay. So all of the members of the		
33:13	standing faculty voted in favor of her		
33:14	reappointment?		
33:15	A. Yes, uh-huh.		
33:16	Q. There are some specific aspects of this		
33:17	letter I wanted to ask about. There is a		
33:18	reference at the bottom of the third paragraph		
33:19	here that says, "During the past few years,		
33:20	Cathrine's teaching last broadened beyond		
33:21	digital media and representation toward an		
33:22	expanded range of interests in materials,		
33:23	construction, art practices and exhibition		
33:24	design. This reflects a shift in her research."		
34:01	Did you have an understanding at		
34:02	the time of her reappointment discussions that		
34:03	she was shifting her focus?		
34:04	A. No. I would probably disagree with this		
34:05	assessment. I think Cathrine was drawing her		
34:06	previous experience in to converge with her		
34:07	visual studies observations. So she was -- I		
34:08	know this is really arcane and I apologize for		
34:09	this. It is difficult for anyone outside the		
34:10	field to understand these nuances. But I think		
34:11	what she was doing is she was looking at		
34:12	buildings, drawings of buildings, especially of		
34:13	particular people, and talking about how the		

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DESIGNATION	SOURCE	DURATION	ID
34:14	building itself could be thought of as a product		
34:15	of a kind of visual study, a visual, a visual		
34:16	artifact. So she was looking at buildings as if		
34:17	they were drawings.		
34:18	Q. What was Detlef Mertins background, what		
34:19	was his area of focus?		
34:20	A. Detlef Mertins was a well-known		
34:21	historian. Detlef Mertins was a very well		
34:22	respected historian, but he came from a rigorous		
34:23	background that looked at history as his central		
34:24	practice. He is self-identified. He describes		
35:01	himself very proudly as a historian.		
35:02	Q. Let's take a look at a reference that		
35:03	Professor Mertins made in the second page of		
35:04	this letter, so that long middle paragraph about		
35:05	halfway down there is a sentence that		
35:06	reads, "However, many faculty expressed concerns		
35:07	about their recent shift in her" -- meaning		
35:08	Professor Veikos's -- research to a historical		
35:09	monograph whose scholarly scope goes well beyond		
35:10	the issues of representation that were her focus		
35:11	previously."		
35:12	Do you have a recollection of what		
35:13	she was working on at the time?		
35:14	A. Yes. She had begun to become very		
35:15	interested in a Brazilian architect, a woman		
35:16	architect named Lina Bo Bardi. And I think her		
35:17	reading of this architect's work was through		
35:18	this kind of philosophy that she was developing		
35:19	about buildings as visual artifacts where the		
35:20	construction of the material and the surfaces		
35:21	worked in a pictorial way so that the building		
35:22	again would be read as image first.		
35:23	Now I think as she started doing		
35:24	the research, she found a piece of writing that		
36:01	Lina Bo Bardi had written that she thought was		
36:02	very important to understanding her work. And		
36:03	she was advised that this could be a very good		
36:04	way to enter the work in a very deep way.		
36:05	And I believe David Leatherbarrow		
36:06	advised her to do that, to look at this piece of		

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DESIGNATION	SOURCE	DURATION	ID
	36:07 writing and translate it and then to draw her		
	36:08 own observations and conclusions. Because this		
	36:09 was a piece of writing that had never been		
	36:10 looked at or translated and was not well known.		
	36:11 So that was her first foray into		
	36:12 this architect's work. So she went in to		
	36:13 translate and tried to reevaluate what that		
	36:14 meant.		
	36:15 Q. Is it your understanding, was it at the		
	36:16 time as well, that the work that Professor		
	36:17 Mertins identified as a historical monograph was		
	36:18 in fact that project that she was working on?		
	36:19 A. Yes, it was.		
	36:20 Q. And do you think it was accurate to call		
	36:21 it a historical monograph?		
	36:22 A. No, I don't think so. I think that,		
	36:23 first of all, she's a contemporary architect.		
	36:24 She's not -- it is not like she had a long		
	37:01 history, but it was in the past. But I think		
	37:02 what Cathrine was doing was trying to engage her		
	37:03 way of thinking through this monograph and in		
	37:04 talking about the monograph she had to		
	37:05 contextualize it within what was going on		
	37:06 politically, socially, culturally in Brazil and		
	37:07 Italy where the work took place.		
	37:08 So was she trying to be a		
	37:09 historian? No. But she, and I think like I,		
	37:10 something that we share in common and how we		
	37:11 think about writing about these things, try to		
	37:12 fully contextualize these pieces and what's		
	37:13 going on at the moment.		
38:04 - 42:04	Fierro, Annette 2022-08-11	00:04:29	AF_FINAL.4
	38:04 Q. We talked a little while ago about your		
	38:05 own tenure probationary process and the fact		
	38:06 that you took or were granted after the fact, in		
	38:07 a sense, extensions of the probationary period.		
	38:08 A. Right.		
	38:09 Q. Do you know whether Professor Veikos		
	38:10 also took an extension of the probationary		
	38:11 period?		

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DESIGNATION	SOURCE	DURATION	ID
38:12	A. Yes, she did.		
38:13	Q. For what purpose, did she have a		
38:14	child or --		
38:15	A. For the same, she had a child. She had		
38:16	a child during her probationary period.		
38:17	Q. All right. I want to switch gears a		
38:18	little bit to go into more depth on the process		
38:19	you were talking about --		
38:20	A. Okay.		
38:21	Q. -- in terms of the tenure review.		
38:22	So you talked to us a little bit		
38:23	about what the steps are in reappointment.		
38:24	A. Right.		
39:01	Q. Can you identify the levels of review		
39:02	for tenure?		
39:03	A. Right. Okay, the whole process is		
39:04	telescoping. Because it's assumed that people		
39:05	outside of the discipline are not really going		
39:06	to have the capacity to evaluate the work. So		
39:07	it begins at the most local of levels. So when		
39:08	the department meets to talk about the		
39:09	candidate, the department will talk about the		
39:10	colleague as a colleague. You know, like		
39:11	working relationships. We talk about teaching a		
39:12	lot. We talk about teaching ability. We talk		
39:13	about the service that the candidate has given		
39:14	to the school. And we also talk about the		
39:15	candidate's work.		
39:16	And that work, you know, I think		
39:17	the university correctly asks for a series of		
39:18	objective evaluators. And so the candidate will		
39:19	ask for reviewers that they think are able to		
39:20	respond to the work, are equipped to respond to		
39:21	the work. The chair suggests a number of		
39:22	reviewers that are equipped to respond to the		
39:23	work. And then there are also internal		
39:24	reviewers that talk about the work and the		
40:01	candidate.		
40:02	And so, so the first step is we sit		
40:03	around a table very much like this one, and we		
40:04	talk about the candidate and we talk about -- we		

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DESIGNATION	SOURCE	DURATION	ID
40:05	look, usually there's like piles of work on the		
40:06	table and we pass them around. And we assess		
40:07	everything all together. And then the chair --		
40:08	then we take a vote after -- it is usually a		
40:09	blind vote because it is a very delicate		
40:10	situation. And then we take a vote.		
40:11	And after that, the chair		
40:12	summarizes the discussion of the faculty and		
40:13	reports the vote to the personnel committee.		
40:14	The personnel committee gets a		
40:15	little bit more distant. Right? Because now		
40:16	these are fine artists, these are landscape		
40:17	architects, and although they are still		
40:18	tangential to architecture, they can't be		
40:19	expected to really know, you know, the content		
40:20	of the work.		
40:21	But they talk, that's when the		
40:22	letters become much more important, because they		
40:23	are the readings of experts to the work itself		
40:24	that they can lean on.		
41:01	That becomes, that assessment is		
41:02	then voted on again, as I said, and then the		
41:03	chair of the personnel committee writes another		
41:04	letter. And all of this goes into the		
41:05	candidate's file and you'll hear that described		
41:06	as a dossier. And so the dossier is just kind		
41:07	of an accumulation of all of the work, of all of		
41:08	the letters from the reviewers, from the two		
41:09	chairs of the departments.		
41:10	That goes to the dean. The dean		
41:11	decides then whether the case is going on. If		
41:12	it goes on, he writes a letter and it goes to		
41:13	the provost committee.		
41:14	So now, now I think the kind of		
41:15	logic of this becomes even clearer because the		
41:16	provost committee is made up of people from all		
41:17	over the university and the deans. So I mean		
41:18	the dean of the law school, for example, is not		
41:19	expected to know the nuances of architectural		
41:20	discourse. That is impossible. There is		
41:21	biologists, there's chemists, there's, you know,		

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DESIGNATION	SOURCE	DURATION	ID
	41:22 people from the nursing school. And so they		
	41:23 have to rely on the letters more than the work		
	41:24 itself. Right?		
	42:01 And so after all of that, after all		
	42:02 of those bodies vote and assess and talk, the		
	42:03 provost committee takes the final vote and the		
	42:04 candidate is either accepted or denied.		
42:07 - 49:18	Fierro, Annette 2022-08-11	00:07:33	AF_FINAL.5
	42:07 And I want to break down a couple		
	42:08 things. So you talked about certain people who		
	42:09 were reviewing the work.		
	42:10 A. Right.		
	42:11 Q. And one of them, I think you talked		
	42:12 about the external reviewers.		
	42:13 A. Right.		
	42:14 Q. Are they sometimes called extramural		
	42:15 consultants?		
	42:16 A. That's very technical, but I guess.		
	42:17 Q. Okay.		
	42:18 A. We always call them external reviewers.		
	42:19 Q. Okay, great.		
	42:20 So I think it is important to know		
	42:21 who they are and kind of what role they play in		
	42:22 the process, if you can address that.		
	42:23 A. Yeah. They are expected to be people of		
	42:24 very high profiles. They are expected to be		
	43:01 people who know the subject matter that the		
	43:02 candidate is writing on. They are people who		
	43:03 are expected to have significant reputations,		
	43:04 especially in our peer institutions. Because		
	43:05 that becomes very important the higher you go.		
	43:06 Right?		
	43:07 Q. Okay.		
	43:08 A. I think especially, you know, at an Ivy		
	43:09 League school it is important to have Ivy League		
	43:10 external reviewers. That's our conceit.		
	43:11 Q. Sure. And the idea, let me make sure I		
	43:12 understand it, is that these professors at other		
	43:13 universities are reviewing the materials that is		
	43:14 in the candidate's dossier?		

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43:15	A. Right.		
43:16	Q. Okay.		
43:17	A. Right. The candidate collects the		
43:18	dossier and then the chair and the staff of the		
43:19	school send that dossier out to all of the		
43:20	external reviewers, and internal, yeah.		
43:21	Q. Okay. Have you been an external		
43:22	reviewer for candidates?		
43:23	A. I have. I have been an external		
43:24	reviewer.		
44:01	Q. Have you ever declined to review a		
44:02	candidate?		
44:03	A. I have declined to review a candidate.		
44:04	Q. In what circumstance?		
44:05	A. I didn't feel qualified to remark on the		
44:06	subject matter in a way. I mean these are very		
44:07	important documents, so I didn't, you know,		
44:08	think I was qualified.		
44:09	Q. All right. You talked also about the		
44:10	concept of internal reviews.		
44:11	A. Uh-huh.		
44:12	Q. Can you describe who does an internal		
44:13	review and what role they play?		
44:14	A. There are two kind of reviewers.		
44:15	There's an ad hoc committee. Right now we have		
44:16	sort of changed that, it is personnel committee		
44:17	within the department, but it is also like an		
44:18	ad hoc committee. And they objectively review		
44:19	the number of publications, the body of work.		
44:20	And then the internal reviewers		
44:21	come from the faculty and we have to talk about		
44:22	just about everything. The teaching, the		
44:23	colleagueship, the student reviewers, the		
44:24	syllabi, and then the written work or the design		
45:01	work.		
45:02	Q. Okay.		
45:03	All right, and that information or		
45:04	the assessments are put into written letters		
45:05	that are added?		
45:06	A. Yes, uh-huh.		
45:07	Q. All right, so we talked a little bit		

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DESIGNATION	SOURCE	DURATION	ID
45:08	about, then, the faculty meeting and the voting		
45:09	that happens.		
45:10	So at the end of a meeting, there		
45:11	is actually a vote amongst the faculty members		
45:12	about whether they approve or don't approve a		
45:13	candidate for tenure?		
45:14	A. Yes, uh-huh.		
45:15	Q. Okay.		
45:16	And then the faculty's assessment		
45:17	of that candidate, how is that then communicated		
45:18	up the chain, is it in a letter?		
45:19	A. Yes, it's in a letter from the chair.		
45:20	So they are responsible for accurately		
45:21	summarizing the discussion of the faculty and		
45:22	then reporting on the vote.		
45:23	Q. Is there a process in place for the		
45:24	members of the faculty to review that letter		
46:01	before it goes up to the next level of review?		
46:02	A. Procedurally, I believe they are asked		
46:03	to circulate a draft. Sometimes it happens.		
46:04	Sometimes it doesn't. That letter does go into		
46:05	a folder that is then available for the faculty		
46:06	to look at.		
46:07	Q. Okay.		
46:08	A. Yeah.		
46:09	Q. After the faculty meets and votes on a		
46:10	candidate's application for promotion to tenure,		
46:11	are the faculty members involved in the next		
46:12	steps?		
46:13	A. No. After that point, that's the last		
46:14	we know until the vote of the provost.		
46:15	Q. Okay. All right, with respect to the		
46:16	personnel committee --		
46:17	A. Right.		
46:18	Q. -- who populates the personnel		
46:19	committee? And is that a committee that is		
46:20	school wide --		
46:21	A. Yes.		
46:22	Q. -- as opposed to -- okay.		
46:23	A. It is school wide and it is full		
46:24	professors that sit on that committee.		

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DESIGNATION	SOURCE	DURATION	ID
47:01	Q. Okay. So it could be, if it is a tenure		
47:02	candidate in architecture, it could be full		
47:03	professors from architecture --		
47:04	A. Yes.		
47:05	Q. -- that serve?		
47:06	A. Yes.		
47:07	Q. Okay. All right.		
47:08	Let's focus again on the department		
47:09	of architecture because that's where Cathrine		
47:10	was considered.		
47:11	What is your understanding of how		
47:12	much in terms of publications a tenure candidate		
47:13	must produce in order to be promoted with tenure		
47:14	at Penn?		
47:15	A. This is not a, this is not a concrete		
47:16	list. In fact, I think Penn goes to an		
47:17	extraordinary length not to have a concrete list		
47:18	because they want to have leeway in subjectively		
47:19	evaluating the candidate.		
47:20	But I would say a typical package		
47:21	would be a dozen or so peer-reviewed articles.		
47:22	And at Penn for someone writing in an academic		
47:23	field, you are expected to have a book which has		
47:24	been accepted by a publisher for publication by		
48:01	an academic press. So a peer-reviewed press.		
48:02	Q. Okay. Are there higher expectations for		
48:03	people in certain areas of focus or people with		
48:04	different educational backgrounds?		
48:05	A. Yes. As time has gone by, if you have a		
48:06	Ph.D., and so this would be, typically be		
48:07	history theory or people who have doctorates in		
48:08	technology of some kind, you are expected to		
48:09	publish your dissertation and then also have a		
48:10	second book accepted or almost ready to be		
48:11	submitted, but almost totally produced, yes.		
48:12	Q. Okay. And what is the basis for your		
48:13	understanding of what that standard of		
48:14	production is?		
48:15	A. That's a kind of funny thing.		
48:16	Q. Okay.		
48:17	A. I was taken aside by a full professor		

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DESIGNATION	SOURCE	DURATION	ID
	48:18 when I first arrived at Penn. His name is Marco		
	48:19 Frascari. He is no longer there. He was a		
	48:20 very, you know, wonderful colleague who said,		
	48:21 you know, that you have to have a book. If you		
	48:22 don't have a book, you will not get tenure.		
	48:23 So that was, that way, anyway, the		
	48:24 inside scoop, but it was just sort of well-		
	49:01 acknowledged reality, yeah.		
	49:02 Q. At the time of your own tenure review,		
	49:03 did you have a single-authored book published?		
	49:04 A. I had a book accepted by MIT Press which		
	49:05 was then being -- it was going the last day to		
	49:06 graphic design. So I had a contract, I had		
	49:07 reviewers. I had the graphic design almost		
	49:08 done. And so it was done. But even then I had		
	49:09 to put the contract in and I had to prove all		
	49:10 kinds of things, but yeah.		
	49:11 Q. And it had not yet been published?		
	49:12 A. It had not yet been published.		
	49:13 Q. Okay. I want to talk a little bit about		
	49:14 the records, publication records of the other		
	49:15 tenured candidates where you participated in		
	49:16 voting on their tenure reviews --		
	49:17 A. Okay.		
	49:18 Q. -- in the department.		
60:09 - 68:08	Fierro, Annette 2022-08-11	00:07:38	AF_FINAL.6
	60:09 All right, this is Exhibit P-5.		
	60:10 Can you tell us whose department		
	60:11 letter and CV at tenure review this exhibit		
	60:12 relates to?		
	60:13 A. This relates to the promotion of Ali		
	60:14 Rahim to associate professor with tenure, and		
	60:15 that year was 2006.		
	60:16 Q. Did you participate in the faculty		
	60:17 vote?		
	60:18 A. Yes, I did.		
	60:19 Q. Who was the department chair at the		
	60:20 time?		
	60:21 A. David Leatherbarrow was the		
	60:22 department -- no, no. I'm sorry. Detlef		

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DESIGNATION	SOURCE	DURATION	ID
60:23	Mertins was the department chair.		
60:24	Q. Okay.		
61:01	A. Right.		
61:02	I am sorry about that, but David		
61:03	has been chair for several times. He has been		
61:04	interim chair. It is a kind of an interwoven		
61:05	history.		
61:06	Q. Sure, no problem.		
61:07	A. So I am sorry to make a mistake.		
61:08	Q. Thank you for clarifying.		
61:09	A. Right.		
61:10	Q. What is Ali Rahim's field or		
61:11	subspecialty?		
61:12	A. Ali Rahim is a practitioner. He has an		
61:13	office. He is sort of known as an experimental		
61:14	practitioner. For the first few years he didn't		
61:15	do any buildings. He did drawings. He did		
61:16	designs of things that might be built, would be		
61:17	built.		
61:18	It hasn't been until very recently		
61:19	that he started building quite a bit in China.		
61:20	Q. Okay.		
61:21	A. Yeah.		
61:22	Q. And Professor Rahim's gender is?		
61:23	A. Male.		
61:24	Q. I want to look at the letter itself,		
62:01	which is, I guess it is the second page of P-5.		
62:02	The first paragraph.		
62:03	What was the vote of the faculty		
62:04	for Professor Rahim's tenure review?		
62:05	A. Could you direct me to where?		
62:06	Q. Sure.		
62:07	A. Oh, yes. Six in favor and three		
62:08	against.		
62:09	Q. Okay. And did you vote -- what was your		
62:10	vote in this case, if you recall?		
62:11	A. I voted in favor.		
62:12	Q. There is a reference in the middle of		
62:13	the second paragraph of that same letter. It		
62:14	says, "He has authored a monograph on his work,		
62:15	Catalytic Formations.		

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DESIGNATION	SOURCE	DURATION	ID
62:16	Is it your understanding that that		
62:17	was the single-authored publication that he had		
62:18	as of the time of the tenure review?		
62:19	A. Yes.		
62:20	Q. And so when it says it is about his		
62:21	work, help me understand how that is done. Was		
62:22	he writing about his designs?		
62:23	A. Yes. He was publishing his design work		
62:24	and then he was also writing about it.		
63:01	Sometimes a monograph will have		
63:02	other people write about the work, but in this		
63:03	particular case he wrote about his own work. I		
63:04	think there was an introduction by someone else.		
63:05	Q. Okay.		
63:06	A. Yeah.		
63:07	Q. All right, so the vote in this case was		
63:08	six in favor and three against.		
63:09	A. Right.		
63:10	Q. If we can look at the end of Professor		
63:11	Mertins' letter, the last paragraph he is		
63:12	summarizing, I think, the faculty.		
63:13	It says, "The majority of faculty		
63:14	concluded that Ali Rahim has met all the		
63:15	criteria for tenure as associate professor at		
63:16	Penn."		
63:17	And then Professor Mertins has		
63:18	written at the end of that paragraph, "I support		
63:19	this promotion without reservation."		
63:20	A. Right.		
63:21	Q. In your experience, is it important to		
63:22	upper level review that the chair, the		
63:23	department chair's letter support a candidate		
63:24	without reservation in order to be successful?		
64:01	A. It is essential.		
64:02	Q. Let's look at another exhibit.		
64:03	What we are showing you now is		
64:04	Exhibit P-6. It is also a department letter and		
64:05	a CV.		
64:06	Can you tell us which tenure		
64:07	candidate this relates to?		
64:08	A. This was for Franca Trubiano for		

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DESIGNATION	SOURCE	DURATION	ID
64:09	promotion to associate professor with tenure.		
64:10	Q. And did you participate in the faculty		
64:11	vote when Professor Trubiano was considered for		
64:12	tenure?		
64:13	A. I did.		
64:14	Q. Who was the department chair at that		
64:15	time?		
64:16	A. It was David Leatherbarrow at that time.		
64:17	Q. Can you take a look at the second page		
64:18	of the department letter.		
64:19	A. Oh, no, I am sorry. It was Winka		
64:20	Dubbeldam. I am so sorry.		
64:21	Q. That is okay. Professor Leatherbarrow		
64:22	had that role for a while.		
64:23	A. Yeah, I was actually in London, but I		
64:24	participated remotely then.		
65:01	Q. Okay, I was going to ask if --		
65:02	A. Yes.		
65:03	Q. -- we take a look at the first paragraph		
65:04	of that letter.		
65:05	A. Yes.		
65:06	Q. There is a listing there of the people		
65:07	who are attending and it says you participated		
65:08	remotely.		
65:09	A. And I also wrote an internal letter. So		
65:10	yes --		
65:11	Q. Okay.		
65:12	A. -- it was Winka Dubbeldam.		
65:13	Q. Okay. And what is Professor Trubiano's		
65:14	field?		
65:15	A. Professor Trubiano, her field now is in		
65:16	technology, in building construction, and		
65:17	particularly in the industry of building		
65:18	construction. So she writes about that. She		
65:19	writes books about that.		
65:20	She didn't start in that. She has		
65:21	a Ph.D. that was all history theory. She wrote		
65:22	a huge dissertation on Piranesi, which is a very		
65:23	historical Italian figure.		
65:24	Q. Did she change her focus to building		
66:01	technology at the time of her tenure-track		

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DESIGNATION	SOURCE	DURATION	ID
66:02	appointment?		
66:03	A. No. She changed it. She applied in		
66:04	building technologies and there was a lot of		
66:05	discussion then about this also. But she was		
66:06	appointed in technology.		
66:07	Q. Professor Trubiano's gender is?		
66:08	A. Female.		
66:09	Q. Does she have children?		
66:10	A. No.		
66:11	Q. Let's look at her CV for a minute. I		
66:12	want to make sure I understand the publications.		
66:13	A. Okay.		
66:14	Q. I think we have to move to Page 4 of the		
66:15	CV, which looks like there is a little number		
66:16	at the bottom of the page, it says "Penn 6247"		
66:17	on it.		
66:18	A. Right, uh-uh.		
66:19	Q. At the top it says "Publications:		
66:20	Books."		
66:21	A. Right.		
66:22	Q. There are three, so I wanted to make		
66:23	sure I understood this. So in 2012, is it		
66:24	correct that that book, her role was as an		
67:01	editor, not the author?		
67:02	A. Of building theories?		
67:03	Q. Design and Construction, the one in		
67:04	2012?		
67:05	A. Yes, uh-huh, that was a series of essays		
67:06	by other people.		
67:07	Q. Okay.		
67:08	A. Yes.		
67:09	Q. And that was published by?		
67:10	A. Routledge in 2012.		
67:11	Q. Okay. And is that a press that meets		
67:12	the criteria for tenure?		
67:13	A. Routledge is certainly academic, yes.		
67:14	Q. And then what is your understanding		
67:15	about the 2014 entry for publication?		
67:16	A. I believe it was the same book that had		
67:17	been translated into Korean. So it would have		
67:18	been the same book.		

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DESIGNATION	SOURCE	DURATION	ID
	67:19 Q. So the same book where she was the		
	67:20 editor?		
	67:21 A. Right, uh-huh, uh-huh.		
	67:22 Q. And then the one at the top, 2016.		
	67:23 A. Right.		
	67:24 Q. Building Theories. There is a reference		
	68:01 there, it says "Single Author Manuscript."		
	68:02 A. Right.		
	68:03 Q. Okay. At what point is that in the		
	68:04 process?		
	68:05 A. That was technically forthcoming. It		
	68:06 had been peer-reviewed. She cites Routledge so		
	68:07 I assume it had a contract and was forthcoming		
	68:08 the same year that she went up.		
72:06 - 72:20	Fierro, Annette 2022-08-11	00:00:36	AF_FINAL.7
	72:06 At the time of a tenure review, is		
	72:07 there a consideration of a candidate's career		
	72:08 trajectory?		
	72:09 A. Yes, certainly.		
	72:10 Q. Okay.		
	72:11 A. Yes, certainly.		
	72:12 Q. And what is the expectation at the time		
	72:13 of the tenure review?		
	72:14 A. Well, I think Penn, as a leading		
	72:15 institution, wants to see people become very		
	72:16 famous in whatever they are doing. This helps		
	72:17 the reputation of the university. And so we are		
	72:18 both evaluating on the work that's been done and		
	72:19 does it look like this person is going to be an		
	72:20 important person in the field.		
79:11 - 80:11	Fierro, Annette 2022-08-11	00:01:00	AF_FINAL.8
	79:11 Q. Professor Fierro, when you were being		
	79:12 considered for tenure at Penn, did you have		
	79:13 doubts about whether you would be successful?		
	79:14 A. Well, I think everyone has doubts to a		
	79:15 certain degree. It is a very stressful time.		
	79:16 Everybody is talking about you, whether you are		
	79:17 good enough. It is really, really stressful.		
	79:18 But I had been accepted by MIT		
	79:19 Press and that's sort of the gold standard for		

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DESIGNATION	SOURCE	DURATION	ID
	79:20 academic publications. So I had hoped that that		
	79:21 would be it, yes.		
	79:22 Q. In your experience at Penn with your		
	79:23 colleagues, is it typical for tenure candidates		
	79:24 to look for other jobs during the tenure review		
	80:01 process?		
	80:02 A. That always happens, yeah. I know		
	80:03 Andrew Saunders already had a position lined up		
	80:04 in case he didn't get tenure. A lot of people		
	80:05 do that.		
	80:06 You know, because they will		
	80:07 basically be without a job if they don't, if		
	80:08 they don't have another position.		
	80:09 Q. All right, we are going to talk about		
	80:10 Cathrine Veikos's tenure review process --		
	80:11 A. Okay.		
80:17 - 80:20	Fierro, Annette 2022-08-11	00:00:13	AF_FINAL.9
	80:17 Did you observe or experience any		
	80:18 bias against women or bias against women with		
	80:19 young children in the department before		
	80:20 Professor Veikos was reviewed for tenure?		
82:11 - 84:19	Fierro, Annette 2022-08-11	00:02:32	AF_FINAL.10
	82:11 I would say that my own case, you		
	82:12 know, there are several times where it was just		
	82:13 clear that, you know, they were clueless about		
	82:14 what it meant to have a pregnant faculty member.		
	82:15 I remember when I was pregnant with		
	82:16 my first child -- no, it was my second child		
	82:17 because it was December -- David, who was then		
	82:18 acting chair, asked me -- it was December. My		
	82:19 child was born on New Years Eve, so I was eight		
	82:20 months pregnant and I was enormous and I was		
	82:21 sitting in his office. And he advised me that I		
	82:22 should really go to Japan over Christmas to		
	82:23 further my research.		
	82:24 And I remember joking saying, you		
	83:01 know, David, I don't think anyone is going to		
	83:02 sell me a ticket now, do you?		
	83:03 BY MS. UEHLER:		
	83:04 Q. And when you make reference to "David,"		

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DESIGNATION	SOURCE	DURATION	ID
83:05	who are you referring to?		
83:06	A. David Leatherbarrow, who was the		
83:07	chairman.		
83:08	He then also went on to ask me what		
83:09	I was going to be researching while I was on my		
83:10	maternity leave.		
83:11	And, you know, it just becomes very		
83:12	evident that they have no idea that if you are a		
83:13	young mother with a newborn, you are not going		
83:14	to be doing any research, right. You are going		
83:15	to be trying to make yourself a sandwich. There		
83:16	is no time or mind space for research.		
83:17	I remember coming in with a newborn		
83:18	who was colicky and I had her in a strap and she		
83:19	was screaming, and I was just there to check my		
83:20	mail. And David started going on and on about,		
83:21	you know, his latest topic of his book. And it		
83:22	was just, you know, another indication that he		
83:23	just didn't understand that I couldn't possibly		
83:24	be listening to this in a serious way. I had a		
84:01	screaming infant.		
84:02	There was another time where I had		
84:03	to bring my baby in to a student review. Again,		
84:04	there is a kind of informal review, student		
84:05	projects. I had a lot of trouble breastfeeding.		
84:06	She wasn't taking a bottle.		
84:07	The professor of the review said		
84:08	just bring the baby in. It is okay.		
84:09	So I ran home and I brought the		
84:10	baby and she was great. She didn't cry, but she		
84:11	was tucked into a kind of swaddle. And I		
84:12	remember he made a nasty remark about that and		
84:13	that how would the students be able to speak to		
84:14	me with a baby in the room.		
84:15	It was just a lot of really		
84:16	insensitive stuff. It was just, it just showed		
84:17	that they were not familiar. I mean I was the		
84:18	only faculty member who had really ever been		
84:19	pregnant there.		
94:07 - 94:18	Fierro, Annette 2022-08-11	00:00:43	AF_FINAL.11

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DESIGNATION	SOURCE	DURATION	ID
	<p>94:07 Q. Was there a time when the university</p> <p>94:08 conducted training to combat the potential for</p> <p>94:09 gender bias in selection decisions?</p> <p>94:10 A. Yes. And in fact, I was deeply involved</p> <p>94:11 in that. It was around 2010 where the</p> <p>94:12 university was very concerned that women were</p> <p>94:13 not being promoted to higher levels of academic</p> <p>94:14 positions, and they formed, the provost formed a</p> <p>94:15 committee for women and it was titled The</p> <p>94:16 Women's Forum. And there was a set of founding</p> <p>94:17 members from women all over the university, and</p> <p>94:18 I was one of those women.</p>		AF_FINAL.11
95:23 - 97:01	Fierro, Annette 2022-08-11	00:01:22	AF_FINAL.12
	<p>95:23 Q. In your capacity as a member of the</p> <p>95:24 women's forum, did you participate in any</p> <p>96:01 training that the university put on on the issue</p> <p>96:02 of gender bias?</p> <p>96:03 A. Yes, there was a lot of training on</p> <p>96:04 gender bias. There were external speakers</p> <p>96:05 called in from all over the country that had</p> <p>96:06 documented studies of gender bias. There were</p> <p>96:07 many statistical studies about the dynamics of</p> <p>96:08 the academy.</p> <p>96:09 And especially the concern was the</p> <p>96:10 kind of, the kind of fallout of women especially</p> <p>96:11 at the tenure review level because a percentage</p> <p>96:12 of untenured assistant professors, you know,</p> <p>96:13 everyone was trying to hire more women, but they</p> <p>96:14 would hit the tenure assessments and then the</p> <p>96:15 percentage would drop dramatically.</p> <p>96:16 And so there was a lot of talk</p> <p>96:17 about how to prevent that, how to give women</p> <p>96:18 equitable treatment, but also the unconscious,</p> <p>96:19 there was, you know, unconscious bias training,</p> <p>96:20 you know, how we all have to be careful, both</p> <p>96:21 men and women on how we evaluate and the kind of</p> <p>96:22 built-in prejudices that we have when we think</p> <p>96:23 about women versus men. Things like names and,</p> <p>96:24 you know, all kind of things that, you know,</p> <p>97:01 affect us.</p>		

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DESIGNATION	SOURCE	DURATION	ID
97:15 - 98:11	Fierro, Annette 2022-08-11	00:00:49	AF_FINAL.13
97:15	Q. Okay, so I was going to ask you about		
97:16	the intended audience. Did you sit in a		
97:17	presentation in connection with this effective		
97:18	faculty searches material?		
97:19	A. I sat in many presentations at the		
97:20	university level and I gave this presentation to		
97:21	my own faculty --		
97:22	Q. Okay.		
97:23	A. -- as I was asked to do.		
97:24	Q. Okay. And the name on the front of this		
98:01	is Lynn Hollen Lees."		
98:02	A. Right.		
98:03	Q. And who was she at the time?		
98:04	A. She was the vice provost for faculty at		
98:05	that time.		
98:06	Q. Do you have an understanding of what her		
98:07	role of vice provost of faculty is?		
98:08	A. She essentially leads the faculty. The		
98:09	faculty senate. She supervises all things which		
98:10	have to do with the faculty across the		
98:11	university.		
106:08 - 109:08	Fierro, Annette 2022-08-11	00:02:56	AF_FINAL.14
106:08	Q. Okay.		
106:09	I want to go back to that slide		
106:10	deck that Lynn Lee's name is on.		
106:11	A. Okay.		
106:12	Q. So you had said to us that you brought		
106:13	some of the training back to your department?		
106:14	A. Right.		
106:15	Q. Was it the training on faculty searches?		
106:16	A. Yes. In fact, it was this slide		
106:17	presentation.		
106:18	Q. Okay.		
106:19	A. Yeah, yeah.		
106:20	Q. Can you tell us about that experience		
106:21	when you talked about this training within the		
106:22	department of architecture?		
106:23	A. Yeah. It was very distressing. You		
106:24	know, this has been -- this is not speculation.		

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DESIGNATION	SOURCE	DURATION	ID
107:01	This is fact. These are academic reports that		
107:02	have -- that come from many different kinds of		
107:03	studies and this was coming down as a, you know,		
107:04	an important piece of the university's agenda.		
107:05	And many listened politely. And one even said,		
107:06	oh, that's just complete bullshit. You know,		
107:07	they didn't want to imagine that this could be		
107:08	true.		
107:09	And I was kind of shocked, you		
107:10	know. And I went back to the women's forum and		
107:11	said, well, this is what happened. And they		
107:12	were shocked too. Like, you know, who says that		
107:13	in a presentation of academic material.		
107:14	Q. So let's go back to the faculty meeting		
107:15	itself.		
107:16	Who was in the room when you were		
107:17	making this presentation?		
107:18	A. The standing faculty.		
107:19	Q. And can you identify who by name they		
107:20	were at the time?		
107:21	A. I don't know who was there at that		
107:22	particular meeting.		
107:23	Q. Okay. Okay. Who was it that made a		
107:24	comment about it?		
108:01	A. It was Witold Rybczynski.		
108:02	Q. And was he a tenured professor?		
108:03	A. He was a full tenured professor, yes.		
108:04	Q. Do you recall Cathrine Veikos speaking		
108:05	at that meeting?		
108:06	A. I do. Again, she and I were the only		
108:07	females in the room. And this was -- Marilyn		
108:08	never came to our meetings and Marion Weiss		
108:09	never came to meetings either. So I mean		
108:10	Cathrine and I were the only women and she was,		
108:11	you know, she's educated in these matters. And		
108:12	so she objected to that. And so she supported		
108:13	me and I was grateful for it. I was grateful		
108:14	that she supported the studies and the		
108:15	importance of these matters.		
108:16	Q. Let's take a look at another exhibit.		
108:17	You can put that one aside.		

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DESIGNATION	SOURCE	DURATION	ID
	108:18 A. Okay.		
	108:19 Q. I am showing you what has been marked as		
	108:20 P-14.		
	108:21 A. Okay.		
	108:22 Q. Can you tell us what this document is?		
	108:23 A. It was the minutes of a faculty meeting.		
	108:24 Although this looks like it was not just		
	109:01 standing because there are several people in		
	109:02 here who are not standing faculty. Julie		
	109:03 Beckman is not standing. Lindsay is not		
	109:04 standing.		
	109:05 Q. Just so we can confirm admissibility of		
	109:06 the exhibit.		
	109:07 A. Yes, it is minutes of a faculty meeting		
	109:08 taken on December 1st.		
109:17 - 112:04	Fierro, Annette 2022-08-11	00:02:39	AF_FINAL.15
	109:17 Q. P-14, are these the minutes from the		
	109:18 meeting you were just describing to us?		
	109:19 A. Yes, uh-huh.		
	109:20 Q. And --		
	109:21 A. I will actually correct myself. She was		
	109:22 not the only woman there because there are other		
	109:23 non-standing faculty.		
	109:24 Q. Was Cathrine Veikos the only other woman		
	110:01 you recalled speaking at the meeting?		
	110:02 A. Yes, uh-huh.		
	110:03 Q. Who was the chair at this point?		
	110:04 A. The chair was Bill Braham.		
	110:05 Q. Did the transition from chair go from		
	110:06 Detlef Mertins to Bill Braham?		
	110:07 A. Yes. There was a little confusion when		
	110:08 he was acting chair and then he became official		
	110:09 chair, interim chair. There was all kinds of --		
	110:10 Q. Okay.		
	110:11 A. Yeah, but he was, yes.		
	110:12 Q. Okay. He had been associate chair		
	110:13 before that?		
	110:14 A. He had been associate chair, yeah.		
	110:15 Q. Okay. All right, so the discussion,		
	110:16 let's look at the discussion towards the bottom		

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DESIGNATION	SOURCE	DURATION	ID
	110:17 of the first page. This was about a specific		
	110:18 search of an assistant professor; is that right?		
	110:19 A. Right.		
	110:20 Q. Okay. And on the second page, I guess		
	110:21 it is the first full paragraph, which is just a		
	110:22 sentence, can you read that out loud for the		
	110:23 jury, please?		
	110:24 A. "The concept"?		
	111:01 Q. Yes.		
	111:02 A. "The concept of objective bias was		
	111:03 raised but discounted by the committee,		
	111:04 especially in terms of gender, because did not		
	111:05 have this information to be biased by." I guess		
	111:06 "because they," but the "they" is not in there,		
	111:07 right.		
	111:08 Q. Okay. This idea, concept of objective		
	111:09 bias, not to be biased by, did that make any		
	111:10 sense to you?		
	111:11 A. No, it didn't, because we had just gone		
	111:12 over the importance of even names and the names		
	111:13 are on the files, so of course we knew the		
	111:14 gender.		
	111:15 Q. Was it your understanding that this is a		
	111:16 reference, this is reference to the unconscious		
	111:17 bias training you were doing?		
	111:18 A. Yes, uh-huh. Yes.		
	111:19 Q. So this was as of December of 2010.		
	111:20 A. Right.		
	111:21 Q. How did that relate in timing to when		
	111:22 Cathrine Veikos was first evaluated for tenure?		
	111:23 A. I think she was evaluated in 2011,		
	111:24 correct? Yes. Yes.		
	112:01 So she was evaluated after this.		
	112:02 Q. Was it in the same academic cycle?		
	112:03 A. Yes, definitely, yeah. Maybe what? A		
	112:04 month before? Two months before? Yeah.		
112:15 - 126:22	Fierro, Annette 2022-08-11	00:16:09	AF_FINAL.16
	112:15 Q. Professor Fierro, I now want to turn to		
	112:16 some questions about the tenure review process		
	112:17 when Cathrine Veikos was reviewed for tenure.		

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DESIGNATION	SOURCE	DURATION	ID
112:18	Who was the dean of the school of		
112:19	design at that time?		
112:20	A. Marilyn Taylor was.		
112:21	Q. Okay. We talked about her before, but		
112:22	can you give me just a sense of what her		
112:23	background was before she came to Penn?		
112:24	A. Marilyn Taylor was a senior person at		
113:01	Skidmore Owings & Merrill in New York, which is		
113:02	a very large corporate firm. She was known as		
113:03	an urbanist and as an architect, but she was not		
113:04	an academic.		
113:05	Q. And who was the department chair?		
113:06	A. It was Bill Braham. He was then, you		
113:07	know, full interim chair.		
113:08	Q. Okay. And did you participate in a		
113:09	reviewer capacity for Professor Veikos's review?		
113:10	A. Yes, I did.		
113:11	Q. Okay.		
113:12	A. I wrote an internal letter, yes.		
113:13	Q. Okay. And we talked about the fact of		
113:14	these review letters earlier, but can you give		
113:15	the jury an understanding of what do you do when		
113:16	you prepare an internal review letter?		
113:17	A. You read everything that they have ever		
113:18	written. So all of the articles and		
113:19	manuscripts.		
113:20	You review the syllabi of their		
113:21	courses. You review their student work in those		
113:22	courses. You review the external letters that		
113:23	have been sent in which pertain to their work.		
113:24	Q. And then what is the internal letter,		
114:01	then, your feedback on the work?		
114:02	A. Yes, my feedback on the work, but also		
114:03	in this case is Cathrine as a colleague, as a		
114:04	teacher, which is, you know, very important at		
114:05	the department level.		
114:06	Q. Okay. All right, let's take a look at		
114:07	some letters.		
114:08	I am showing you --		
114:09	A. This print is --		
114:10	Q. I know. I apologize in advance for the		

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DESIGNATION	SOURCE	DURATION	ID
114:11	way our colleagues over at Penn produced this to		
114:12	us.		
114:13	A. Okay.		
114:14	Q. We are looking at Exhibit P-15. Can you		
114:15	confirm what these letters are?		
114:16	A. Yes. This would be an external review		
114:17	letter. The first one is from Illa Berman, who		
114:18	was the director of the California College of		
114:19	the Arts when she wrote this.		
114:20	Q. And the review letter relates to who?		
114:21	A. The review letter relates to Cathrine		
114:22	Veikos, who was up for tenure. So this was		
114:23	reviewing her dossier.		
114:24	Q. Okay. So I want to take a look at a		
115:01	couple of things. So you identified Professor		
115:02	Berman as one of the authors of the review		
115:03	letters.		
115:04	A. Right.		
115:05	Q. Taking a look at the first paragraph --		
115:06	A. Okay.		
115:07	Q. -- of her letter, can you just, the jury		
115:08	will be looking at it, but could you review,		
115:09	read for us the first two sentences, please?		
115:10	A. "Professor Veikos's research and		
115:11	teaching is broadly focused on architecture's		
115:12	role as a medium for visual and material		
115:13	expression, an area of study with a wide range		
115:14	of scholarship and a deep history. Her recent		
115:15	contributions to this field are certainly		
115:16	significant and far reaching in scope and have		
115:17	taken many forms."		
115:18	Q. All right, and then towards the end of		
115:19	that same first paragraph she seems to sum up, I		
115:20	think, her opinion. Can you read that as well?		
115:21	A. "In summary, her accomplishments are		
115:22	certainly at or beyond a level of what might be		
115:23	expected of other scholars, professors and		
115:24	practitioners at a comparable stage in their		
116:01	careers and given her vitae she would no doubt		
116:02	be a candidate for the rank of associate		
116:03	professor with an architectural school at a		

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DESIGNATION	SOURCE	DURATION	ID
116:04	comparable advanced educational institution."		
116:05	Q. So did you have an understanding -- I		
116:06	know your specialty is not visual studies --		
116:07	A. Right.		
116:08	Q. -- but did you have an understanding of		
116:09	Professor Berman's reputation within		
116:10	architecture?		
116:11	A. Professor Berman at that moment was the		
116:12	chair of California College of the Arts. I also		
116:13	know her to have been the chair at Tulane. I		
116:14	have known her for many years because of		
116:15	presentations that we both gave in Halifax		
116:16	years, years before where she presented her		
116:17	dissertation at Harvard, which was very much a		
116:18	study in the visual matter of architecture.		
116:19	Q. All right. It looks like the second --		
116:20	to make it easy, these are in alphabetical		
116:21	order.		
116:22	A. Good.		
116:23	Q. The second letter was written by		
116:24	Christine Boyer.		
117:01	Is that also an external review		
117:02	letter for Cathrine's --		
117:03	A. This is also an external review letter.		
117:04	I think Christine Boyer is at Princeton and she		
117:05	is a historian on the city and in kind of the		
117:06	digital nature of the city.		
117:07	Q. Okay. And then I want to turn, I want		
117:08	to skip ahead, I have a question about a		
117:09	particular letter. If you can page forward to		
117:10	the letter written by, I guess it is the second		
117:11	or third to the last, Anthony Vidler.		
117:12	A. Yes.		
117:13	Q. What is your understanding of who		
117:14	Anthony Vidler is?		
117:15	A. Anthony Vidler is a very, very important		
117:16	scholar. He's probably the most important		
117:17	scholar in the bunch. He has, he has been at		
117:18	Princeton for a lifetime. He has written many		
117:19	books on many different subjects. You know,		
117:20	he's probably one of the first scholars in the		

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DESIGNATION	SOURCE	DURATION	ID
117:21	country, if not the world.		
117:22	Q. Okay. All right, let's look at his		
117:23	assessment of Professor Veikos. I would like to		
117:24	start on the second page of his letter.		
118:01	A. Okay.		
118:02	Q. At the top, the paragraph that		
118:03	begins, "so." Could you read that out loud,		
118:04	please?		
118:05	A. "So, the answer to your first question		
118:06	as to the scope and significance of the		
118:07	candidate's creative achievements and their		
118:08	importance to the discipline would be that her		
118:09	book is indeed a serious scholarly contribution		
118:10	to the discipline, important not only for the		
118:11	history of theory, but also for design		
118:12	intelligence in the widest sense."		
118:13	Q. Okay. Thank you.		
118:14	There are a couple places, I think,		
118:15	in this letter that I want to draw your		
118:16	attention to to ask you questions about. So if		
118:17	we can go back to the first page of the letter,		
118:18	the bottom paragraph, there is a section, the		
118:19	sentence reads, "This unique aspect of		
118:20	Bo Bardi's work is taken up well in Veikos's		
118:21	book-length introduction, an introduction that		
118:22	suits Bo Bardi in her two contexts, the Italian		
118:23	and the Brazilian."		
118:24	So is that the book that you were		
119:01	talking about earlier that Professor Veikos had		
119:02	started working on at the time of her		
119:03	reappointment?		
119:04	A. Yes, uh-huh.		
119:05	Q. And so that we understand and the jury		
119:06	understands what this was, she wrote an		
119:07	introduction to another architect's written		
119:08	work?		
119:09	A. Right. The architect had written a		
119:10	manifesto, like a treatise on her work that was		
119:11	not widely known, and Cathrine was advised by		
119:12	David Leatherbarrow that this would be a very		
119:13	good way to establish herself as a scholar in		

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DESIGNATION	SOURCE	DURATION	ID
119:14	the work of Lina Bo Bardi, to translate that.		
119:15	So translations are regarded as a		
119:16	scholarly endeavor. Right? They are equivalent		
119:17	to other books. But Cathrine also augmented		
119:18	that with a very long introduction, which began		
119:19	to reframe some of the content of the manifesto.		
119:20	Q. Okay. All right, let's take a look at		
119:21	something else Professor Vidler says about		
119:22	Cathrine. On Page 2, below where we were		
119:23	reading before, there is a paragraph that		
119:24	starts, "In trying to rank the candidate."		
120:01	Can you read that out loud, please.		
120:02	A. "In trying to rank the candidate		
120:03	relative to leading scholars in the field at a		
120:04	comparable level of professional development, I		
120:05	would say that generally a tenured dossier in		
120:06	history and theory for a comparable university		
120:07	would require a first book already published and		
120:08	reviewed and a second book completed. But that		
120:09	would be the criteria used for scholars with a		
120:10	Ph.D. in hand at the time of employment.		
120:11	Q. Is that what we were talking about		
120:12	earlier?		
120:13	A. Yes.		
120:14	Q. So is Anthony Vidler considered somebody		
120:15	whose specialty or focus was history theory?		
120:16	A. Yes.		
120:17	Q. Did you read this to say that he thought		
120:18	Cathrine Veikos's level of publication was not		
120:19	qualifying for tenure?		
120:20	A. No. I think he was making light of the		
120:21	fact that she did not have a Ph.D. and did not		
120:22	have to make that second book, level of a second		
120:23	book completion. Which is what I mentioned		
120:24	before.		
121:01	Q. Okay, I see.		
121:02	A. Uh-huh.		
121:03	Q. All right, so taking the group -- I mean		
121:04	I know you looked at these letters in detail at		
121:05	the time of your tenure review.		
121:06	A. Yes.		

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DESIGNATION	SOURCE	DURATION	ID
121:07	Q. And probably also in preparation for		
121:08	this proceeding.		
121:09	A. Yes, uh-huh.		
121:10	Q. But in your view as also a reviewer of		
121:11	Cathrine Veikos's work, did you believe that the		
121:12	external reviewers as a whole supported Cathrine		
121:13	Veikos's promotion for tenure?		
121:14	A. Certainly. She has someone of the kind		
121:15	of stature of Anthony Vidler calling her work		
121:16	serious and profound.		
121:17	I thought Christine Boyer's letter,		
121:18	and she is also a very well known scholar, I		
121:19	think she called it brilliant.		
121:20	Q. Why don't we look at that letter. So it		
121:21	appears to be the second letter in the packet,		
121:22	which is P-15.		
121:23	A. All right, P-15. I am sorry, I am		
121:24	swimming in this.		
122:01	Q. If you start at the page that says --		
122:02	A. Here it is. I found it. Yes.		
122:03	Q. Take a moment, and then if you want to		
122:04	draw our attention to the section of that letter		
122:05	that identifies her opinion of Cathrine Veikos's		
122:06	work, that would be helpful.		
122:07	A. I am going to have to take my glasses		
122:08	off.		
122:09	Q. Yes. Take your time.		
122:10	A. She compliments it for being multi-		
122:11	layered and she talks about the interweaving of		
122:12	different kinds of studies, which is the		
122:13	theatrical spectacles of Bo Bardi's architecture		
122:14	influenced by minimalist stages and then goes		
122:15	over issues carried over into Veikos's own		
122:16	writings on "Intricacies" about contemporary		
122:17	form and sheer opacity of contemporary		
122:18	enclosures, which could be seen as kind of a		
122:19	professional endeavor in some of this. And she		
122:20	is very complimentary on these		
122:21	cross-fertilizations that they have also at		
122:22	computational and digital technologies.		
122:23	So she's complimenting her for		

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DESIGNATION	SOURCE	DURATION	ID
122:24	addressing all of these different realms at the		
123:01	same time and is very complimentary on that.		
123:02	Q. Okay. I want to now turn to, there are		
123:03	two letters from Caroline Constant in this --		
123:04	A. Right.		
123:05	Q. -- group.		
123:06	A. Uh-huh.		
123:07	Q. Let's look at the one that is dated		
123:08	February 9, 2011.		
123:09	A. Okay.		
123:10	Q. At the bottom right-hand corner it has		
123:11	designation Penn 0544.		
123:12	A. 00544, yes.		
123:13	Q. Yes.		
123:14	A. Okay.		
123:15	Q. So do you recognize this as a letter		
123:16	from Caroline Constant?		
123:17	A. Yes, I do.		
123:18	Q. Okay, and who is she?		
123:19	A. Another very well known scholar, older		
123:20	woman at the Taubman College of Architecture in		
123:21	Michigan, which is a very, very prominent school		
123:22	of architecture.		
123:23	Q. All right, let's take a look at a		
123:24	specific part of her letter. If you go to the		
124:01	third paragraph down.		
124:02	A. Right.		
124:03	Q. About the fourth line it says, "Veikos		
124:04	began this research in 2005 and sent her book		
124:05	proposal (or manuscript?) to Routledge for		
124:06	review in December 2010. Unfortunately, she did		
124:07	not include any portion of the manuscript in her		
124:08	dossier."		
124:09	What is your recollection about		
124:10	this circumstance?		
124:11	A. Because I read these letters in order to		
124:12	write my letter. That put up huge red flags for		
124:13	me because I had seen the dossier and Cathrine's		
124:14	full manuscript was in that dossier. And when I		
124:15	saw this, I thought, wait, what happened? She		
124:16	didn't have the dossier -- the dossier was		

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124:17	incomplete because it was finished. It was, you		
124:18	know, ready to go to publication.		
124:19	So I started thinking something		
124:20	must have happened in the procedures, you know,		
124:21	when the staff or whoever put together the		
124:22	packages of the dossier didn't send out the		
124:23	completed piece.		
124:24	Q. And is it your recollection that		
125:01	Caroline Constant wrote another letter related		
125:02	to Professor Veikos?		
125:03	A. Yes. I remember, or it's in the		
125:04	package, in fact, the next letter.		
125:05	Q. And that is the one dated March 26th?		
125:06	A. Yes, exactly. Exactly. And what had		
125:07	happened, if I recall, is it became evident, and		
125:08	I don't quite remember how, that the required		
125:09	phrase for taking the additional year or the		
125:10	year extension for probationary period was not		
125:11	put in the letter requesting the external		
125:12	reviews. And so the external critics were sent		
125:13	a letter saying, would you change anything if		
125:14	you knew about this, if there was an extra --		
125:15	that the maternity leave had already been		
125:16	incorporated in that tenure clock.		
125:17	And so I think this letter		
125:18	addressed that request that --		
125:19	Q. Yes. I think we are going to get there,		
125:20	but I think --		
125:21	A. Okay.		
125:22	Q. Why don't you take a moment to review		
125:23	Caroline Constant's March 26th letter. Because		
125:24	there is a different issue I wanted to draw your		
126:01	attention to.		
126:02	A. Okay.		
126:03	Q. But if you could read that over,		
126:04	particularly the last couple of paragraphs.		
126:05	A. Okay. Let's see. This is -- okay, so		
126:06	the last couple of paragraphs.		
126:07	Q. On Penn 0052.		
126:08	A. Okay.		
126:09	Would you like me to read that?		

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DESIGNATION	SOURCE	DURATION	ID
	126:10 Q. Just to yourself. Now I have a question 126:11 about one of the statements she made. 126:12 A. Okay. 126:13 Q. Okay, at the end of the second to the 126:14 last paragraph, Professor Constant wrote, "The 126:15 status of that book" -- meaning her Bo Bardi 126:16 book -- 126:17 A. Right. 126:18 Q. -- "project remains a primary question, 126:19 however. Acceptance for publication by 126:20 Routledge, if only provisional, would be a 126:21 significant factor on which to base a positive 126:22 evaluation of her case."		
128:01 - 128:23	Fierro, Annette 2022-08-11 128:01 BY MS. UEBLER: 128:02 Q. In your view was it important for the 128:03 external reviewers to be notified that 128:04 Cathrine's book had been -- 128:05 A. Absolutely. 128:06 Q. -- accepted? 128:07 A. Absolutely. It is incredibly important 128:08 for them to know that this book has been 128:09 accepted by Routledge. 128:10 Q. And -- 128:11 A. It changes everything. 128:12 Q. And when you wrote your internal letter 128:13 relating to Cathrine Veikos, did you know that 128:14 her book on Bo Bardi had been accepted for 128:15 publication? 128:16 A. Yes, I did. 128:17 Q. And at the time, and we will talk about 128:18 it, but at the time that the faculty met to 128:19 consider Cathrine Veikos' promotion for tenure, 128:20 did they know that the book had been accepted 128:21 for publication? 128:22 A. Yes, they did. 128:23 Q. Okay.	00:00:40	AF_FINAL.17
129:17 - 132:04	Fierro, Annette 2022-08-11 129:17 Q. Okay. 129:18 Let's take a look at your letter.	00:02:50	AF_FINAL.18

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DESIGNATION	SOURCE	DURATION	ID
129:19	I have handed you what has been		
129:20	marked as Exhibit P-16. I guess the first thing		
129:21	we should do is confirm in fact that that is		
129:22	your internal letter relating to Cathrine		
129:23	Veikos's tenure review?		
129:24	A. It is. It is dated March 2011. A long		
130:01	time ago.		
130:02	Q. All right, I want to ask a couple		
130:03	questions. So in this first paragraph, it is		
130:04	written to the chair at the time, Bill Braham.		
130:05	A. Right.		
130:06	Q. At the end of that first paragraph, do		
130:07	you recommend Cathrine for tenure?		
130:08	A. Yes, I was very happy to recommend her		
130:09	with the strongest possible recommendation,		
130:10	enthusiastically and without hesitation.		
130:11	Q. As part of your letter, did you raise		
130:12	any concerns about the presentation of the		
130:13	external letters?		
130:14	A. I did.		
130:15	Q. Can you draw our attention to that in		
130:16	your letter?		
130:17	A. Yes. The first part of this relates to		
130:18	my own reading of her work, which I still think		
130:19	is very good.		
130:20	Yes, "I have read carefully all of		
130:21	the other external letters currently available		
130:22	for Veikos's case for tenure."		
130:23	Q. And just to orient the jury who will be		
130:24	looking at this as well, it is the bottom of		
131:01	Page 3 of your letter?		
131:02	A. Yes, uh-huh.		
131:03	Q. Okay, thank you.		
131:04	A. And I stated again I was very concerned		
131:05	just in kind of factual errors. Okay?		
131:06	"Constant mentions the unclear status of the two		
131:07	manuscripts' completion. She was clearly not		
131:08	aware that the manuscript has not only been		
131:09	completed, reviewed by external readers provided		
131:10	by the publisher and indeed had been accepted		
131:11	for publication."		

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DESIGNATION	SOURCE	DURATION	ID
	<p>131:12 Q. And the area you are reviewing now, that</p> <p>131:13 is at the top of Page 4?</p> <p>131:14 A. The top of Page 4. So this is in my</p> <p>131:15 letter to Bill and the faculty saying that these</p> <p>131:16 were errors that were clearly indicated in the</p> <p>131:17 external reviewer's responses. They didn't know</p> <p>131:18 they had been accepted by publication.</p> <p>131:19 And then I was also really</p> <p>131:20 concerned that Constant raised doubt as to</p> <p>131:21 whether Cathrine's papers published in the</p> <p>131:22 ACSA -- and this is the American Collegiate</p> <p>131:23 Schools of Architecture -- this is the national</p> <p>131:24 body of, you know, architecture academicians --</p> <p>132:01 were not, quote, strictly speaking peer-</p> <p>132:02 reviewed.</p> <p>132:03 And I thought, well, that's really</p> <p>132:04 odd.</p>		
132:11 - 132:13	Fierro, Annette 2022-08-11	00:00:10	AF_FINAL.19
	<p>132:11 I mean the ACSA is the primary</p> <p>132:12 venue for assistant professors to publish</p> <p>132:13 scholarly work on architecture.</p>		
132:15 - 139:17	Fierro, Annette 2022-08-11	00:07:33	AF_FINAL.20
	<p>132:15 Q. Okay.</p> <p>132:16 A. Then should we go into the letter by</p> <p>132:17 Judy Sheine?</p> <p>132:18 Q. Yes, the question I have pending is just</p> <p>132:19 to have you draw to our attention the concerns</p> <p>132:20 you had about the external letters.</p> <p>132:21 A. Yeah. I mean I think that just</p> <p>132:22 procedurally it was clear that the dossier had</p> <p>132:23 not been sent out completely. I think Judith</p> <p>132:24 Sheine's letter goes further, and she starts</p> <p>133:01 talking about how this really needs a</p> <p>133:02 bibliography and illustrations. And the book</p> <p>133:03 had 200 illustrations and had a full</p> <p>133:04 bibliography. So either she didn't see them or</p> <p>133:05 they weren't included in the package.</p> <p>133:06 So again, it made me really</p> <p>133:07 concerned that there had been some kind of</p> <p>133:08 glitch in just sending out the correct dossier,</p>		

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DESIGNATION	SOURCE	DURATION	ID
	133:09 because how could they say that wasn't there		
	133:10 when it was clearly there.		
	133:11 Q. Did you think, is it your recollection,		
	133:12 or if we want to look at the external letters		
	133:13 again, you are certainly welcome to, was there		
	133:14 anyone of the external reviewers who had any		
	133:15 criticisms of Professor Veikos's scholarship as		
	133:16 compared to the volume of her work?		
	133:17 A. I think probably Judith Sheine was most		
	133:18 critical. I think, you know, certainly these		
	133:19 glitches in the manuscript. I think, I agreed		
	133:20 in fact with Sheine saying it needed editing.		
	133:21 It certainly needed editing. It had just		
	133:22 started, you know, at the editing process.		
	133:23 She talked about an exhaustive use		
	133:24 of sources that needed some hierarchy. I		
	134:01 probably agreed a bit with that. But I don't		
	134:02 think those were, you know, those are criticisms		
	134:03 that are based on editing. Right? We all need		
	134:04 that. I certainly need that now. Yeah. We all		
	134:05 need the help of editors at some point. Yes.		
	134:06 Uh-huh.		
	134:07 Q. All right. Let's put your letter aside.		
	134:08 A. Okay.		
	134:09 Q. And I want to talk about some other		
	134:10 aspects of the process.		
	134:11 Who do you recall serving on the		
	134:12 ad hoc committee for Cathrine Veikos's first		
	134:13 tenure review?		
	134:14 A. I believe it was Marion Weiss and Ali		
	134:15 Rahim.		
	134:16 Q. And they were tenured professors at the		
	134:17 time?		
	134:18 A. They were tenured professors at the		
	134:19 time.		
	134:20 Q. Who selected them, as far as you know,		
	134:21 to serve in that capacity?		
	134:22 A. Bill Braham as chair selects all of the		
	134:23 reviewers and all internal, external, and the		
	134:24 ad hoc committee.		
	135:01 Q. Did you think that Professors Rahim and		

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DESIGNATION	SOURCE	DURATION	ID
135:02	Weiss were qualified to serve on the ad hoc --		
135:03	A. No.		
135:04	Q. -- committee for Professor Veikos?		
135:05	A. I did not.		
135:06	Q. Why not?		
135:07	A. I had thought that just professionally		
135:08	they were not competent in the issues that she		
135:09	was writing about. They are design		
135:10	practitioners. They are not scholars. They are		
135:11	not academicians. Their body of work is, you		
135:12	know, not only drawn work, but built work. So		
135:13	they are, they are coming from the vantage of		
135:14	like who she might be as a designer, and she		
135:15	wasn't working that way then. And I remember		
135:16	there were several sentences that qualified what		
135:17	this had to do with architecture, which were		
135:18	just basically absurd.		
135:19	So I didn't think that they were		
135:20	qualified to review her work as a scholar. And		
135:21	I also thought that, you know, Ali Rahim had		
135:22	made clear in several venues that he didn't		
135:23	really favor her candidacy. So I thought that		
135:24	was very weird that he would ask for an		
136:01	objective reading, Bill would ask for an		
136:02	objective reading from Ali Rahim because he was		
136:03	predisposed against her. And it was		
136:04	distressing.		
136:05	Q. Did you communicate with Ali Rahim or		
136:06	Marion Weiss about Cathrine Veikos' tenure case		
136:07	as it was unfolding?		
136:08	A. I didn't communicate with Ali, but I did		
136:09	communicate with Marion, and I think I wrote her		
136:10	a note because she was, of course, another woman		
136:11	and I thought, you know, we should support each		
136:12	other. And I think I wrote her a note to please		
136:13	be thorough and careful in assessing the work.		
136:14	This was before I knew that she was on the		
136:15	ad hoc committee. And then as soon as I found		
136:16	out I corrected myself, because it probably		
136:17	wasn't proper for me to write to her about this,		
136:18	but I hadn't really known.		

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DESIGNATION	SOURCE	DURATION	ID
136:19	So, but yeah, I wrote to her to		
136:20	please be careful with this because it was an		
136:21	important case.		
136:22	Q. Okay. All right, let's look at some of		
136:23	those e-mails. I am going to hand you what has		
136:24	been marked as Exhibit P-17.		
137:01	A. Right.		
137:02	Q. It is two different e-mails.		
137:03	A. Right.		
137:04	Q. Are these the e-mails that you recall		
137:05	exchanging with Marion Weiss at the time?		
137:06	A. Yes, right.		
137:07	Q. Okay. I have a couple of questions. So		
137:08	let's start with the first, the top one, it says		
137:09	April 5th, 2011.		
137:10	A. Right.		
137:11	Q. You are asking, I guess, Professor Weiss		
137:12	if she will be at the meeting?		
137:13	A. Right.		
137:14	Q. Is that the faculty meeting where the		
137:15	case would be discussed?		
137:16	A. Right, yeah.		
137:17	Q. Then you say, "I don't know how you are		
137:18	disposed towards Cathrine's case."		
137:19	Did you have a sense at that time?		
137:20	A. I didn't know. As I said, Marion is not		
137:21	present often, but I thought that, you know, I		
137:22	mean Cathrine was a serious candidate and I was		
137:23	hoping that she would be there to support her.		
137:24	Q. Okay.		
138:01	A. And I thought, you know, it would help		
138:02	if I describe the work, because Marion is a very		
138:03	busy person and is inclined not to read things		
138:04	or look at things carefully. To be honest.		
138:05	Right? Marion is a friend, but she's very busy.		
138:06	Q. There is a reference here in your		
138:07	e-mail. You know, the second line, it says,		
138:08	"and heard the argument, you would be inclined		
138:09	to support her. And she does need it."		
138:10	Are you referring to Cathrine		
138:11	needing her help?		

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DESIGNATION	SOURCE	DURATION	ID
138:12	A. You know, when Ali -- when Bill asked me		
138:13	to write the internal letter, he made some kind		
138:14	of vague mention about how he was concerned.		
138:15	And it might have been before or after the		
138:16	external letters came in. I'm not quite sure.		
138:17	But I guess I was just saying in reference to		
138:18	that note of Bill's, you know, we're going to		
138:19	need support for this, you know, given what Bill		
138:20	had said.		
138:21	Q. But at the time you felt -- did you feel		
138:22	Cathrine Veikos was qualified for tenure?		
138:23	A. Oh, certainly. Without a doubt.		
138:24	Q. All right, let's look at the second page		
139:01	of this exhibit, which it looks like it is a		
139:02	subsequent e-mail to Marion Weiss the same day.		
139:03	A. Uh-huh.		
139:04	Q. Can you tell us about that		
139:05	communication?		
139:06	A. Right. This is me saying oh, I'm so		
139:07	sorry, you know, you are on the ad hoc		
139:08	committee. You know, I didn't want to influence		
139:09	her. Right.		
139:10	Q. Okay. And did you end up speaking to		
139:11	her at all about Cathrine Veikos's case?		
139:12	A. No, uh-uh. No.		
139:13	Q. Okay. All right, let's look at the		
139:14	ad hoc letter itself.		
139:15	A. In fact, she didn't come to that first		
139:16	faculty meeting. Right? So again, she was		
139:17	disconnected.		
140:09 - 143:06	Fierro, Annette 2022-08-11	00:03:44	AF_FINAL.21
140:09	Q. Professor Fierro, I was handing you a		
140:10	document that has been marked as Exhibit P-18.		
140:11	Can you tell me whether or not this		
140:12	is the ad hoc committee letter that was written		
140:13	for Cathrine Veikos's first tenure review?		
140:14	A. Yes, it is.		
140:15	Q. Okay. You had already indicated that		
140:16	you did not think Professors Rahim and Weiss		
140:17	were qualified to write about Cathrine Veikos's		

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DESIGNATION	SOURCE	DURATION	ID
140:18	work, but my question is different now.		
140:19	Do you think that the letter they		
140:20	wrote accurately assessed her work once you had		
140:21	seen it?		
140:22	A. No, no. I had all kinds of objections.		
140:23	In particular, I'll point to one, "As presented		
140:24	in the dossier, the patterns and ideas, although		
141:01	interesting, are not calibrated in relation to		
141:02	space or architecture." I had no --		
141:03	Q. Can you tell me where it is so we can		
141:04	show it to the jury?		
141:05	A. Yes. It is close to the bottom of the		
141:06	second paragraph which begins, "as can be seen."		
141:07	Q. Okay, yes, I see. Thank you.		
141:08	A. I thought that was an odd qualification,		
141:09	not calibrated in relation to space or		
141:10	architecture. It was all about space or		
141:11	architecture. Certainly about kind of the		
141:12	reception of, and I know this is going to get		
141:13	arcane again, the reception of the building in		
141:14	space. It is about building, so I don't know		
141:15	how that was not about architecture.		
141:16	I thought that the citations on		
141:17	what they expected her to relate to, I thought		
141:18	those were their own personal views on what that		
141:19	related to. That was very random. I'm sorry,		
141:20	that's in the fourth paragraph. In reviewing		
141:21	her students' work from the seminar, it appears		
141:22	to be less original, and then they cite some		
141:23	museum exhibits. I thought that was very random		
141:24	to pull in in context to her work. I thought		
142:01	there is not really any relationship.		
142:02	There was, I tended to agree with		
142:03	the comment on Preston Scott Cohen. I thought		
142:04	he was a very relevant model for what she was		
142:05	doing. So I thought that was good.		
142:06	And then they clearly could not		
142:07	comment on the text because they talk about they		
142:08	"could not evaluate its significance by		
142:09	historians or scholars as well as contemporary		
142:10	theorists with expertise in the area."		

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DESIGNATION	SOURCE	DURATION	ID
	142:11 So, you know, they just had no, 142:12 they weren't equipped to understand what she was 142:13 doing. They were not qualified. And they say, 142:14 "We are somewhat limited in our ability to 142:15 assess her strengths either as a designer or 142:16 scholar due to the limited production presented 142:17 in her dossier." 142:18 I would say no, they are not 142:19 qualified period. But are optimistic that her 142:20 scholarship will work. Yeah. 142:21 Q. The reference to limited production, did 142:22 you believe there was limited production in her 142:23 dossier? 142:24 A. No. 143:01 Q. Okay. 143:02 A. I think I was, I think they were 143:03 pointing to the design work, they expected her 143:04 to be designing, and that's not what she was 143:05 doing then. So again, a sort of miss, missed 143:06 trajectory.		
143:24 - 150:05	Fierro, Annette 2022-08-11 143:24 I want to talk now about the 144:01 faculty meeting when Cathrine Veikos's tenures 144:02 case -- 144:03 A. Okay. 144:04 Q. -- was considered the initial time. 144:05 You attended that meeting? 144:06 A. Yes. 144:07 Q. Do you recall who else was in the room? 144:08 A. I recall that Marion was not there. 144:09 Witold was there. Bill Braham was there. David 144:10 Leatherbarrow was there. Frank Matero was 144:11 there. It's in the minutes. Yes? I can't 144:12 completely remember. 144:13 Q. It is. Was Ali Rahim present? 144:14 A. Yes, of course he was present. 144:15 Q. Okay. 144:16 A. Yeah. 144:17 Q. Okay. We have talked about some of 144:18 these people before because we talked about	00:06:57	AF_FINAL.22

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DESIGNATION	SOURCE	DURATION	ID
144:19	their tenure cases.		
144:20	A. Right.		
144:21	Q. Who is Frank Matero and what was his		
144:22	field?		
144:23	A. Frank Matero was the head of the		
144:24	preservation department, and so a slightly		
145:01	different field, but still within architecture.		
145:02	Q. And you mentioned Witold. Who is that,		
145:03	what's his last name?		
145:04	A. Witold Rybczynski is a very well-known		
145:05	author of sort of popular books on architecture.		
145:06	I don't mean to be demeaning, but yes.		
145:07	Q. He is the professor --		
145:08	A. He talks about comfortable houses and he		
145:09	was appointed -- he never went through the		
145:10	tenure. He was appointed as a significant		
145:11	writer.		
145:12	Q. Okay. All right, let's focus on the		
145:13	meeting itself. So you described before when		
145:14	there was a faculty meeting to consider		
145:15	tenure --		
145:16	A. Right.		
145:17	Q. -- the faculty is sitting around the		
145:18	table.		
145:19	Can you tell us and tell the jury		
145:20	what you recall about that meeting?		
145:21	A. I recall that the meeting was largely		
145:22	warm and receptive and supportive. I remember		
145:23	that we addressed some of the qualifying points		
145:24	of the letters. That's typical in tenure cases		
146:01	because we worry about how those letters will be		
146:02	read by the next tiers of reviewers. So that we		
146:03	know we have to answer to some of those if we		
146:04	want the case to be successful.		
146:05	So we talked about the Judith		
146:06	Sheine letter, which was really the only		
146:07	negative letter. We talked about the		
146:08	inconsistencies. I raised in the meeting all of		
146:09	the inconsistencies in the dossier like, you		
146:10	know, if the manuscript, if they had known the		
146:11	manuscript was accepted, had they received the		

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DESIGNATION	SOURCE	DURATION	ID
146:12	bibliography, had they received the		
146:13	illustrations, because they were clearly, there		
146:14	was clear mistakes. There was just factual		
146:15	errors in the external letters.		
146:16	So we talked about all of that. We		
146:17	talked about Cathrine as a teacher. We all		
146:18	thought she was a tremendous teacher.		
146:19	We talked about her as a team		
146:20	player. She had done, you know, mountains of		
146:21	service. She had led her field in visual		
146:22	studies in terms of the curriculum. And she had		
146:23	done enormous amounts of work and progress in		
146:24	defining a visual studies curriculum for		
147:01	students and for coursework.		
147:02	We talked about the nature of her		
147:03	seminars. And we talked about, you know, the		
147:04	production of her work.		
147:05	Q. Do you recall if David Leatherbarrow was		
147:06	supporting her at that time?		
147:07	A. David Leatherbarrow was very supportive		
147:08	of her in that meeting, yep.		
147:09	Q. Was there a discussion about the		
147:10	quantity of her publications during the faculty		
147:11	meeting?		
147:12	A. There was because of the qualifications		
147:13	in the letters. I mean I cleared up that all of		
147:14	the articles had been peer reviewed and I think		
147:15	she had some -- I'm not quite sure now how		
147:16	many -- at least a dozen, which means that was		
147:17	standard. We talked about, you know, some of		
147:18	the things that had been said in the letters,		
147:19	which didn't, simply weren't clear.		
147:20	I remember that Frank Matero even		
147:21	raised his hands and said, how is this not		
147:22	enough? Very emphatically. Very decisively in		
147:23	support of her because it was clear that her		
147:24	dossier was fine.		
148:01	Q. Do you recall any of the department		
148:02	faculty members expressing a negative view of		
148:03	her qualifications at the meeting?		
148:04	A. Ali Rahim talked about how he did not		

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DESIGNATION	SOURCE	DURATION	ID
148:05	think this was enough and he didn't think the		
148:06	work was strong. And as I said, I knew that was		
148:07	coming.		
148:08	I think given the nature of the		
148:09	Judith Sheine letter, we all knew we had to be		
148:10	very supportive because these letters are read		
148:11	very carefully at the different stages of		
148:12	review. But yeah, we were supportive, yeah.		
148:13	Q. Do you recall any discussion at the		
148:14	meeting about Cathrine's gender or the fact that		
148:15	she was a mother?		
148:16	A. Well, I brought, I brought up given the		
148:17	context of the discussions in the women's forum,		
148:18	I brought up that it was very important for us		
148:19	as a faculty because this was so much in the		
148:20	kind of limelight at the university. And I		
148:21	talked about how important it was to do		
148:22	everything that we could to support, without		
148:23	casting, you know, doubt on her qualifications		
148:24	certainly. And we talked about that too as		
149:01	well. You know, we could talk about it within		
149:02	the meeting, that it was very important to		
149:03	support women, but we could not put that in the		
149:04	letters because it would be seen as qualifying		
149:05	Cathrine's production.		
149:06	Q. Did you, in raising that or as		
149:07	participant in the meeting, think that Cathrine		
149:08	Veikos's tenure case should be evaluated on a		
149:09	different standard --		
149:10	A. No.		
149:11	Q. -- because she was a woman or because		
149:12	she had a child?		
149:13	A. No. That's impossible. Right? We		
149:14	can't do that.		
149:15	Q. Were you the only woman present at the		
149:16	faculty meeting?		
149:17	A. Yes, uh-huh.		
149:18	Q. Was there a consensus among the faculty		
149:19	about Cathrine Veikos's qualifications for		
149:20	tenure at the end of the meeting?		
149:21	A. Yes. We voted and the vote was		

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DESIGNATION	SOURCE	DURATION	ID
	149:22 five/one, with Ali Rahim as the dissenting		
	149:23 person, yes.		
	149:24 Q. As a tenured member of the department		
	150:01 who has also voted on other tenure cases, how		
	150:02 did you think Professor Veikos's qualifications		
	150:03 for promotion with tenure compared to the other		
	150:04 candidates who had been tenured, both before and		
	150:05 after her?		
150:08 - 151:19	Fierro, Annette 2022-08-11	00:01:51	AF_FINAL.23
	150:08 THE WITNESS: I thought it was		
	150:09 equal, if not superlative to at least half of		
	150:10 those other people.		
	150:11 BY MS. UEHLER:		
	150:12 Q. You mentioned that the vote was five to		
	150:13 one. I assume that means five in favor?		
	150:14 A. Five in favor and one against.		
	150:15 Q. How does that work when the faculty		
	150:16 votes, what is the process -- or let's focus		
	150:17 specifically on the vote for Cathrine Veikos's		
	150:18 tenure case, what were the logistics of that?		
	150:19 A. After we talk about it -- we follow		
	150:20 parliamentary procedure -- someone has to move		
	150:21 that we approve Cathrine Veikos for promotion to		
	150:22 the rank of associate professor with tenure.		
	150:23 Someone has to second it. There's a final call		
	150:24 for discussion. By that time usually we have		
	151:01 discussed it to death, but sometimes there's new		
	151:02 things that come up. And then we take the vote.		
	151:03 This was a blind vote. I think we wrote -- we		
	151:04 typically write on pieces of paper that have		
	151:05 been folded and then we pass the notes to Bill		
	151:06 and then Bill announced the vote as five to one.		
	151:07 And then the meeting was adjourned.		
	151:08 Q. At the end of the meeting, did you have		
	151:09 any expectation one way or the other as to		
	151:10 whether or not Cathrine Veikos would be promoted		
	151:11 with tenure at Penn?		
	151:12 A. I mean there's always doubt for what can		
	151:13 happen at subsequent levels, but there had been		
	151:14 many votes that were worse that were not as		

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DESIGNATION	SOURCE	DURATION	ID
	151:15 supportive where people got tenure. So five/one		
	151:16 is a very supportive vote. Right? You know,		
	151:17 it's very rare that votes are unanimous. So		
	151:18 five/one seems to be like, yes, she is going		
	151:19 forward.		
153:06 - 166:10	Fierro, Annette 2022-08-11	00:14:20	AF_FINAL.24
	153:06 Q. I want to talk about, go back to		
	153:07 Cathrine Veikos's tenure review.		
	153:08 You told me about the vote that was		
	153:09 taken at the end of the faculty meeting?		
	153:10 A. Right.		
	153:11 Q. Did you receive a draft of Professor		
	153:12 Braham's letter to the personnel committee		
	153:13 before it was sent up the chain for review?		
	153:14 A. No.		
	153:15 Q. Did you see it at some point?		
	153:16 A. I did. When it became part of the		
	153:17 dossier, I was looking for something in there.		
	153:18 And I stumbled on it.		
	153:19 Q. Okay.		
	153:20 A. And so, yeah, when I --		
	153:21 Q. All right. Let me show you a document.		
	153:22 You can confirm whether this is the letter. It		
	153:23 is Exhibit P-19.		
	153:24 Is Exhibit P-19 the letter		
	154:01 Professor Braham wrote to the personnel		
	154:02 committee about Professor Veikos?		
	154:03 A. Yes, this is what I stumbled upon.		
	154:04 Q. Did you think that the letter that		
	154:05 Professor Braham wrought accurately described		
	154:06 the faculty meeting?		
	154:07 A. No. In fact, I wrote to him immediately		
	154:08 because it was so off. First of all, the		
	154:09 faculty voted four in favor and two opposed to a		
	154:10 motion for promotion.		
	154:11 Q. And you are reading from the exhibit		
	154:12 right now?		
	154:13 A. Yes, uh-huh.		
	154:14 Q. Okay.		
	154:15 A. Which was not the vote. The vote was		

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DESIGNATION	SOURCE	DURATION	ID
154:16	five/one. And I wondered what on earth had		
154:17	happened to change the vote to four/two. It is		
154:18	a very different kind of vote.		
154:19	And then when I read through the		
154:20	letter I became even more concerned. I didn't		
154:21	think that the text represented any of the		
154:22	superlatives either that we had accorded to		
154:23	Cathrine as a colleague or that had been give to		
154:24	her by the external reviewers. All of the		
155:01	comments seemed to be sort of middle grade		
155:02	analysis or middle grade kind of remarks.		
155:03	For example, in her letter,		
155:04	Christine Boyer observed the "nice interweaving		
155:05	of theoretical and practical work."		
155:06	Q. Can you tell us where in the letter you		
155:07	are reading?		
155:08	A. This is the end of the one, two, three,		
155:09	four, fifth paragraph where, you know, Christine		
155:10	Boyer had also talked about how brilliant		
155:11	Cathrine was. And so it was picking out		
155:12	comments which didn't support her to the degree		
155:13	that I thought the letters had.		
155:14	There was a lot that kind of		
155:15	pointed to Vidler's remarks for example, that we		
155:16	just read, would require a first book already		
155:17	published and a second book completed. Without		
155:18	mentioning the fact that that was in direct		
155:19	reference to having a Ph.D. It was clearly		
155:20	unfair.		
155:21	And then, yeah, I mean there was		
155:22	just, you know, all kind of things which didn't		
155:23	seem to be accurate. We had all supported		
155:24	Cathrine at the meeting and there was a lot in		
156:01	those letters that were very, very positive.		
156:02	And so in the end, you know, he		
156:03	turns out to say it is with much regret that I		
156:04	must advocate against promotion in this case.		
156:05	Which means that he changed his vote. And so		
156:06	that became clear. And so I immediately wrote		
156:07	him a very strong e-mail.		
156:08	Q. And we will get to that.		

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DESIGNATION	SOURCE	DURATION	ID
156:09	A. Okay.		
156:10	Q. I have a couple other questions --		
156:11	A. Okay.		
156:12	Q. -- about this particular letter --		
156:13	A. Okay.		
156:14	Q. -- which is Exhibit P-19.		
156:15	So the letter, I guess where the		
156:16	vote is reported is in that first paragraph.		
156:17	A. Right.		
156:18	Q. Did you know prior to finding the letter		
156:19	in Penn's materials that Professor Braham had		
156:20	changed his vote?		
156:21	A. No.		
156:22	Q. Had he notified you --		
156:23	A. No.		
156:24	Q. -- of that?		
157:01	A. No.		
157:02	Q. There is a reference in the second		
157:03	paragraph of the letter where Professor Braham		
157:04	is giving some background about Professor Veikos		
157:05	and that last sentence -- or second to the last		
157:06	sentence says, "She was reappointed in 2006 and		
157:07	the following year was granted an additional		
157:08	year in her tenure probation period because of		
157:09	the birth of her son."		
157:10	Is that accurate?		
157:11	A. Well, you know, an additional year is		
157:12	not really what you are given. You are given an		
157:13	extension to the probationary period. It is not		
157:14	like someone gives you a year of your -- of more		
157:15	research time. It is that you are at home busy		
157:16	with your child. You know, this is not -- even		
157:17	the language is really not fair in that simple		
157:18	phrase. It is not an additional year. You have		
157:19	the same probationary period. It just happens		
157:20	to be that you are taking care of an infant for		
157:21	a year.		
157:22	Q. Going towards the bottom of the letter,		
157:23	the paragraph that ends that first page and		
157:24	begins with the sentence, "Over the past decade,		
158:01	she has moved from creative practice to critical		

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DESIGNATION	SOURCE	DURATION	ID
158:02	writing and scholarship." And then it goes on.		
158:03	A. Right.		
158:04	Q. I think we talked about this before, but		
158:05	at what point was it that she moved from		
158:06	creative practice to critical writing?		
158:07	A. Before she came to Penn.		
158:08	Q. Okay. So at the time she was at Penn		
158:09	she was already focused on her scholarship?		
158:10	A. She was already focused. She was		
158:11	starting her research, yeah.		
158:12	Q. And let me look. There is a reference		
158:13	on Page 2 of this letter I want to draw your		
158:14	attention to, like the fourth line down, the		
158:15	sentence starts "however." And the paragraph		
158:16	that begins, "Cathrine's writings were admired		
158:17	by the faculty."		
158:18	A. Okay.		
158:19	Q. And then the fourth line down it says,		
158:20	"However, the challenges of moving from practice		
158:21	to scholarship were remarked by other faculty		
158:22	and especially by a number of the external		
158:23	reviewers who wanted the scholarship, but		
158:24	questioned whether there was a sufficient body		
159:01	of work."		
159:02	In your view, was it important for		
159:03	the chair of the department to communicate to		
159:04	higher levels that there was an issue with		
159:05	whether the reviewers knew her book was accepted		
159:06	for publication?		
159:07	A. Absolutely. I also think we did have a		
159:08	discussion about whether that dossier was		
159:09	complete. I mean it reflected badly on him that		
159:10	the dossier was not complete. So I won't		
159:11	speculate on that.		
159:12	Q. Okay.		
159:13	A. Yeah.		
159:14	Q. All right, before I asked the specific		
159:15	questions about the letter, you were going to		
159:16	tell us about how you responded to coming across		
159:17	Professor Braham's letter.		
159:18	A. You know, I was just shocked. I was		

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DESIGNATION	SOURCE	DURATION	ID
159:19	shocked. I had never heard of anything like		
159:20	this happened before. I mean this is a very		
159:21	official vote and this is a very serious thing		
159:22	for someone's life that, you know, you would		
159:23	want to do this absolutely by the book. You		
159:24	know, because the whole thing was a mess.		
160:01	Right? The dossier transmission was a mess. It		
160:02	was just all incredibly sloppy. And then having		
160:03	him do this was even sloppier. And what happens		
160:04	is that it really affects the life of a person		
160:05	and especially a valued colleague.		
160:06	She had not just been a colleague.		
160:07	She had been a friend. Of all of us. Not just		
160:08	me. She had poured her heart into Penn. She		
160:09	had taken on all kinds of duties and for him not		
160:10	to be responsible and understand how serious		
160:11	these kinds of admissions were, you know.		
160:12	Q. And did you write to him about your		
160:13	concerns?		
160:14	A. I did write to him.		
160:15	Q. Okay. Let's take a look at Exhibit		
160:16	P-20.		
160:17	Is this the series of e-mails that		
160:18	you exchanged with Professor Braham?		
160:19	A. Yes. This is a series -- I copied the		
160:20	whole faculty because I thought everyone should		
160:21	know about this.		
160:22	Q. Why don't we start, I guess, with your		
160:23	initial e-mail, which I guess is the third page		
160:24	of this exhibit.		
161:01	A. Right.		
161:02	Q. I don't know that, you know, we need to		
161:03	read it out loud.		
161:04	A. Okay.		
161:05	Q. I will have it displayed for the jury		
161:06	during your testimony as we are talking now.		
161:07	But could you tell the jury what		
161:08	your goal was in sending this communication?		
161:09	A. Well, I wanted clarification, first		
161:10	about the vote, and then I wanted to point out		
161:11	to him that I thought his description of the		

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DESIGNATION	SOURCE	DURATION	ID
161:12	meeting and our reading of Cathrine's work was		
161:13	real inaccurate, and that is what his letter		
161:14	should be. Yes, a chair can have their own		
161:15	opinions, you know, at the beginning, at the		
161:16	end. But his first responsibility is to		
161:17	represent the discussion of the faculty		
161:18	accurately, and I didn't think it was. I didn't		
161:19	think his summation of the letters was accurate.		
161:20	I didn't think that his summation of the		
161:21	discussion of the letters was accurate.		
161:22	So I was just, you know, I was		
161:23	really upset about this. Again, this is		
161:24	someone's life, you know. This is not just some		
162:01	kind of abstraction.		
162:02	Q. I see that you copied Marilyn Taylor on		
162:03	this as well.		
162:04	A. I did.		
162:05	Q. Why did you do that?		
162:06	A. Because I thought she should be aware of		
162:07	this. I thought any dean should investigate it,		
162:08	you know.		
162:09	Q. There is a reference, Professor Braham		
162:10	responds to you in this e-mail.		
162:11	A. Right.		
162:12	Q. But I want to focus on your		
162:13	communication to him, which is at the top of the		
162:14	exhibit, the second paragraph of your e-mail.		
162:15	You say, "The documentation put forward		
162:16	moderated evidence of considerable support of a		
162:17	faculty meeting, and in the letters, in favor of		
162:18	that which was the qualifying -- I can cite the		
162:19	letters repeatedly, as Frank did so well at the		
162:20	meeting."		
162:21	Who is that a reference to?		
162:22	A. It was Frank Matero.		
162:23	Q. What did Frank Matero do at the meeting		
162:24	that you are referencing there?		
163:01	A. I mean, again, when he threw up his		
163:02	hands and said how is that not enough, he		
163:03	pointed out all the strong parts of the letter.		
163:04	Q. And you understood Professor Matero to		

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DESIGNATION	SOURCE	DURATION	ID
163:05	be in support of Cathrine's case?		
163:06	A. Strongly in support, yes.		
163:07	Q. Did Dean Taylor ever reach out to you in		
163:08	response to this?		
163:09	A. No.		
163:10	Q. You never talked to her at all --		
163:11	A. Never talked to her.		
163:12	Q. -- about your concerns?		
163:13	Did anyone from the personnel		
163:14	committee considering Cathrine Veikos's case		
163:15	contact you to speak about the concerns that you		
163:16	had raised?		
163:17	A. No.		
163:18	Q. Did you have any formal role in		
163:19	connection with Cathrine Veikos's tenure review		
163:20	after the faculty meeting?		
163:21	A. No.		
163:22	Q. Did you become aware at some point that		
163:23	the personnel committee voted against promoting?		
163:24	A. Yes.		
164:01	Q. Did you ever let Cathrine Veikos know		
164:02	that Bill Braham had changed his vote in his		
164:03	communication to the personnel committee?		
164:04	A. The proceedings of the meetings are		
164:05	supposed to be confidential. So no, I didn't		
164:06	tell her anything, but I told her later when she		
164:07	was going to the grievance committee, because I		
164:08	thought she should know that. If this was going		
164:09	to become official, I thought she should know		
164:10	that.		
164:11	Q. To your knowledge, I think we talked		
164:12	about this a little earlier, but were you aware		
164:13	as this was going on as to whether or not Bill		
164:14	Braham's letter to the external reviewers had		
164:15	that required language in the policy on the		
164:16	extension of the probationary period that we		
164:17	talked about earlier?		
164:18	A. I didn't know that earlier. I think it		
164:19	was Cathrine that made me aware of that later.		
164:20	Q. Okay. Are you aware of any steps that		
164:21	the university took to address that error in the		

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DESIGNATION	SOURCE	DURATION	ID
	164:22 process?		
	164:23 A. I was told, and I think again Cathrine		
	164:24 told me that they had sent out a second letter		
	165:01 describing what language had been left out and		
	165:02 asking for external reviewers to comment and		
	165:03 whether they had anything to add to their		
	165:04 letters.		
	165:05 Q. You have had experience, as you have		
	165:06 told us, as an external reviewer for other		
	165:07 universities. Do you think that remedy was		
	165:08 adequate?		
	165:09 A. No. I mean the damage had been done.		
	165:10 Their perception of her was already set. To ask		
	165:11 for a change in the letters due to a procedural		
	165:12 seemingly technical error, that wasn't enough.		
	165:13 First of all, I wouldn't have		
	165:14 written a letter. I would have called them. I		
	165:15 would have taken a personal interest in it.		
	165:16 Q. Did you communicate at all with Cathrine		
	165:17 Veikos during her tenure review process about		
	165:18 the potential for discriminatory bias impacting		
	165:19 the decision?		
	165:20 A. We were two of the only women on the		
	165:21 faculty. We had been talking about		
	165:22 discriminatory behavior through the women's		
	165:23 forum stuff. We had had many conversations		
	165:24 about this. It was, you know, it was in the		
	166:01 air.		
	166:02 Q. Did you communicate with anyone else at		
	166:03 Penn about the potential for bias in Cathrine		
	166:04 Veikos's tenure review process?		
	166:05 A. I went back to my colleagues at the		
	166:06 women's forum because we had talked about this.		
	166:07 We had talked about exactly this in the context		
	166:08 of our larger discussions of the university.		
	166:09 And I reached out them and I said, you know, I		
	166:10 don't know what to do to support this woman.		
166:20 - 167:04	Fierro, Annette 2022-08-11	00:00:24	AF_FINAL.25
	166:20 Q. Did you speak to anyone else at Penn		
	166:21 about the potential --		

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DESIGNATION	SOURCE	DURATION	ID
	166:22 A. I remember talking to David Brownlee 166:23 because he was a close colleague. We sit on the 166:24 university committees together, and he was then 167:01 head of the grievance committee. And so I 167:02 reached out and told him what had happened. And 167:03 he thought there was an issue, and so I told 167:04 Cathrine she should go see him.		
168:15 - 174:19	Fierro, Annette 2022-08-11	00:06:59	AF_FINAL.26
	168:15 Were you in a position to observe 168:16 how Cathrine Veikos reacted to Penn's decisions 168:17 relating to her tenure review? 168:18 A. Sure. She was devastated. 168:19 Q. Let's go back to the time when she first 168:20 realized that the personnel committee had voted 168:21 against her. 168:22 A. Uh-huh. 168:23 Q. What did you observe at that point? 168:24 A. This is a devastating thing for anyone. 169:01 But, you know, I think Cathrine had worked so 169:02 hard and after her reappointment review she had 169:03 focused on getting this text out and she had 169:04 gotten the text out and she had -- you know, she 169:05 thought, you know, she did a tremendous amount 169:06 of work to do this, and so she thought her 169:07 colleagues would support her. And, you know, 169:08 when she found out that they didn't, it was 169:09 devastating. 169:10 That's already kind of a terrible 169:11 thing to have to face when you don't get tenure 169:12 because your life is upended. 169:13 The second time when her contract 169:14 was ended, that, at that point, she became 169:15 desperate. She had a child. Her husband is a 169:16 musician, travels a lot. She had no way of 169:17 supporting herself then after that was taken 169:18 away from her. 169:19 At the drop of a hat, you know, she 169:20 found another position at the college, the 169:21 California College of the Arts, and she had to 169:22 move within like two weeks. So I mean the whole		

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DESIGNATION	SOURCE	DURATION	ID
169:23	thing was just, you know, unbelievably bad. She		
169:24	was devastated. She cried. She carried on.		
170:01	You know, it was just terrible. And in fact,		
170:02	you know, she's been devastated ever since. You		
170:03	know, she never did produce the second book		
170:04	because she's, you know, she was just -- she's		
170:05	devastated. She's destroyed. They destroyed		
170:06	her career.		
170:07	Q. Is it your understanding that Penn did		
170:08	conduct another review of Professor Veikos's		
170:09	promotion with tenure?		
170:10	A. Yes.		
170:11	Q. Who managed the re-review process?		
170:12	A. At this time David Leatherbarrow was now		
170:13	the acting chair. So David supervised that		
170:14	second process.		
170:15	Q. What was your understanding about		
170:16	whether you as a faculty were reviewing the same		
170:17	dossier materials?		
170:18	A. It was all done in a very hurried way.		
170:19	I remember we got a note that we had to		
170:20	re-review all of the material some time I think		
170:21	during Thanksgiving of that same year, 2011. We		
170:22	were in the middle of final exams and final		
170:23	reviews. There was no way we had time to review		
170:24	all of the material again.		
171:01	So I remember writing a note to		
171:02	David saying, you know, you know, we need more		
171:03	time to do this. And so he finally gave us more		
171:04	time.		
171:05	But I was not -- Cathrine by then		
171:06	was gone. I was not clear what the charge for		
171:07	the external letters was at that point. I don't		
171:08	know what had been said. I just know I was		
171:09	given, you know, this new thing to write a new		
171:10	letter about.		
171:11	Q. Okay. All right, let me show you what		
171:12	has been marked as P-21.		
171:13	A. Okay. This was the note I wrote to		
171:14	David.		
171:15	Q. Okay, this is an e-mail you and David		

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DESIGNATION	SOURCE	DURATION	ID
171:16	exchanged about the timing --		
171:17	A. Right, right.		
171:18	Q. -- of Cathrine's review?		
171:19	A. Right.		
171:20	So again, I said there's no		
171:21	possible way. 11-28, so it was Thanksgiving,		
171:22	and he wanted this done by December 5th and		
171:23	wanted another meeting by then, which was just,		
171:24	that's absurd.		
172:01	Again, this has everything that she		
172:02	has ever done. And I had reviewed it. I was		
172:03	familiar with it. But to write another letter		
172:04	in that amount of time, you know, there's no		
172:05	way.		
172:06	Q. Did you have any other concerns about		
172:07	the way the re-review process went forward?		
172:08	A. I wasn't really involved at this point,		
172:09	you know, because I had been so publicly		
172:10	supportive of Cathrine, I had circulated these		
172:11	e-mails to everyone, no one was really talking		
172:12	to me about what was going on. So I was sort of		
172:13	cut out of the, cut out of the proceeding. So		
172:14	this was one of the first things that I had		
172:15	heard about that it was scheduled again.		
172:16	Q. Do you know, do you recall whether or		
172:17	not Professor Leatherbarrow this time selected		
172:18	Ali Rahim and Marion Weiss again for the ad hoc		
172:19	committee?		
172:20	A. I didn't know that.		
172:21	Q. Okay.		
172:22	A. Yeah.		
172:23	Q. Did you have any concerns about Ali		
172:24	Rahim participating in the review process?		
173:01	A. Yes, because in the interim, Cathrine		
173:02	had been a supervisor for the second year		
173:03	studio. And this is, you know, coordinating		
173:04	five faculty under you and 70 students. Right?		
173:05	And Cathrine had been in charge of that for at		
173:06	least three or four years.		
173:07	And when Cathrine left, then Ali		
173:08	Rahim's wife was put in charge of this. And I		

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DESIGNATION	SOURCE	DURATION	ID
173:09	know this all sounds crazy that this actually		
173:10	even happens. But yes, Ali Rahim's wife was now		
173:11	in charge of this. She was an adjunct		
173:12	professor. She didn't have a position. Clearly		
173:13	there's a conflict of interest.		
173:14	You know, so I wrote to David and I		
173:15	said, are you going to ask Ali to recuse		
173:16	himself? His wife is directly implicated in		
173:17	this, in Cathrine's departure.		
173:18	I never heard anything.		
173:19	Q. Did Ali Rahim participate in the		
173:20	re-review?		
173:21	A. Yes, he did, uh-huh.		
173:22	Q. And you wrote another internal letter?		
173:23	A. Right.		
173:24	Q. I just want to make sure the jury has a		
174:01	chance to see that. Look at Exhibit P-22 and		
174:02	confirm whether or not that is your internal		
174:03	letter for the re-review?		
174:04	A. Yes. This is my internal letter for		
174:05	Cathrine on her second review.		
174:06	Q. Did your position about Professor		
174:07	Veikos's qualifications for promotion with		
174:08	tenure change by this point?		
174:09	A. Why would it have? Everything was		
174:10	essentially the same. I just -- I also knew		
174:11	that she had gotten closer to having the book --		
174:12	the second book accepted by Routledge. So if		
174:13	anything, I would be inclined to support her		
174:14	more strongly.		
174:15	Q. By the time you wrote that internal		
174:16	letter, were you aware that Cathrine Veikos had		
174:17	filed a complaint of discrimination about the		
174:18	first review?		
174:19	A. I knew that she had received counsel.		
174:24 - 180:03	Fierro, Annette 2022-08-11	00:05:31	AF_FINAL.27
174:24	Q. Did you participate in the faculty		
175:01	meeting where Cathrine Veikos's promotion for		
175:02	tenure was reviewed a second time?		
175:03	A. Yes, I did.		

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DESIGNATION	SOURCE	DURATION	ID
175:04	Q. Do you recall who was present?		
175:05	A. All of the first group with the		
175:06	exception of Frank Matero. This time Marion		
175:07	Weiss was there. Ali Malkawi was there. He had		
175:08	not been in the first one.		
175:09	Q. What do you recall about the meeting?		
175:10	A. It was very short, you know. I think		
175:11	David walked in and the first thing that came		
175:12	out of David's mouth was, "Well, Cathrine wants		
175:13	us to do this over again, so I guess if -- she		
175:14	finds something wrong with the case, so I guess		
175:15	we have to do it over again," and was incredibly		
175:16	dismissive. And, you know, that was a kind of		
175:17	clue about what was about to happen. You know,		
175:18	it was being dismissed.		
175:19	Q. Do you remember specifically any		
175:20	comments or discussion at the meeting itself?		
175:21	A. They talked about the letters. There		
175:22	was a new set of letters that had come in. I		
175:23	think there was another letter that was a		
175:24	problem with Sylvia Lavin. There wasn't much		
176:01	discussion. Right? It was over very soon.		
176:02	Q. Did David Leatherbarrow support Cathrine		
176:03	Veikos for tenure?		
176:04	A. He was much more qualified the second		
176:05	time around and then I realized later he voted		
176:06	against her, so it is just, you know.		
176:07	Q. Let me show you another document. This		
176:08	has been marked as P-23.		
176:09	Do you recognize what that is?		
176:10	A. Yes, this is a note that Frank Matero		
176:11	wrote to David Leatherbarrow. It was a letter		
176:12	of review, much like mine had been. Very, very		
176:13	cursory.		
176:14	Now, he changes his position		
176:15	completely where before he had been a very, very		
176:16	strong advocate. Now it's just entirely		
176:17	opposite of what he had said the first time		
176:18	around.		
176:19	Q. And it is your recollection that		
176:20	Professor Matero was not at the meeting?		

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DESIGNATION	SOURCE	DURATION	ID
176:21	A. He was not at the meeting, but this		
176:22	letter came up in the meeting.		
176:23	Q. Okay. I just want to, again, focus on		
176:24	the text. So this was an e-mail, if looks like		
177:01	it was forwarded to you on February 1st, 2012?		
177:02	A. Right.		
177:03	Q. And it indicates Professor Matero is		
177:04	saying in the second line of his e-mail, "I		
177:05	understand I will not be able to vote due to my		
177:06	unavoidable absence at the meeting."		
177:07	A. Right.		
177:08	Q. So he didn't call in, or anything, he		
177:09	didn't participate?		
177:10	A. No, no, you have to be, by the rule of		
177:11	the department you have to be seated in the		
177:12	discussion to be able to vote.		
177:13	Q. Okay, okay.		
177:14	A. Right.		
177:15	So yeah, again, you know, I mean it		
177:16	was sort of bewildering given how strong his		
177:17	support had been the first time around.		
177:18	Q. And from your perspective there were no		
177:19	changes to the dossier --		
177:20	A. No.		
177:21	Q. -- on which you were reviewing?		
177:22	A. No.		
177:23	Q. Let's take a look at another document.		
177:24	This is P-24.		
178:01	What is this letter?		
178:02	A. This letter is a letter from Bill		
178:03	Braham -- no. David Leatherbarrow, sorry,		
178:04	sorry. David Leatherbarrow, now to Marilyn		
178:05	Taylor reporting on the, on the new meeting of		
178:06	the new letters and the new vote.		
178:07	Q. All right. So is this the department		
178:08	chair letter --		
178:09	A. Yes.		
178:10	Q. -- in connection the second review?		
178:11	A. Yes. But it went directly to the dean		
178:12	this time and not to the personnel committee.		
178:13	Q. Okay.		

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DESIGNATION	SOURCE	DURATION	ID
	178:14 A. Okay.		
	178:15 Q. All right. So the first paragraph there		
	178:16 confirms who was in attendance. We talked about		
	178:17 that.		
	178:18 A. Uh-huh.		
	178:19 Q. And then can you read out what the vote		
	178:20 was?		
	178:21 A. Two in favor of promotion and tenure and		
	178:22 five against.		
	178:23 Q. You voted in favor?		
	178:24 A. Of course.		
	179:01 Q. Do you know who else did?		
	179:02 A. Yes, I think Ali Malkawi did. He had		
	179:03 just recently been tenured so he was now able to		
	179:04 vote.		
	179:05 Q. And then at the end of the letter, what		
	179:06 position does Professor Leatherbarrow take on		
	179:07 the case?		
	179:08 A. He takes, he takes an against, an		
	179:09 against vote. "I concur with the majority		
	179:10 view." I am reading this now. "Colleagues felt		
	179:11 that the majority of external letters expressed		
	179:12 significant doubts about the case, about the		
	179:13 level, quality, and impact of the scholarship."		
	179:14 He talked about Cathrine being an		
	179:15 effective teacher again, contributing practical		
	179:16 expertise, theoretical inquiry, but, you know,		
	179:17 essentially.		
	179:18 Q. And was that different from your		
	179:19 understanding of his position the first time?		
	179:20 A. Certainly. He had been very strong, he		
	179:21 had been a very strong supporter. So I don't		
	179:22 know how his position changed on her work.		
	179:23 Q. Other than you, are there any women in		
	179:24 the department of architecture who have had		
	180:01 children during the probationary period at Penn		
	180:02 who also achieved tenure?		
	180:03 A. No.		
185:24 - 186:16	Fierro, Annette 2022-08-11	00:00:30	AF_FINAL.28
	185:24 Q. Hi, Professor Fierro. I want to		

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DESIGNATION	SOURCE	DURATION	ID
	186:01 introduce myself. I know we have met before.		
	186:02 A. Yes.		
	186:03 Q. I want to introduce myself on the		
	186:04 record. I am Ali Kliment and I represent the		
	186:05 University of Pennsylvania in the lawsuit that		
	186:06 was filed by Cathrine Veikos.		
	186:07 My understanding from your earlier		
	186:08 testimony is that we are here today because you		
	186:09 are unavailable to testify at trial.		
	186:10 A. Right.		
	186:11 Q. And you are going to be in Paris on an		
	186:12 academic sabbatical?		
	186:13 A. Yes.		
	186:14 Q. I also will not be at trial, as you		
	186:15 know. I will be on maternity leave. But since		
	186:16 we met previously for your deposition --		
186:19 - 187:12	Fierro, Annette 2022-08-11	00:00:35	AF_FINAL.29
	186:19 Q. I thought it would make sense for me to		
	186:20 question you in response to questions from		
	186:21 Cathrine's lawyer.		
	186:22 A. Okay.		
	186:23 Q. You testified earlier that you have gone		
	186:24 up for tenure and been promoted with tenure in		
	187:01 the department of architecture; right?		
	187:02 A. Yes.		
	187:03 Q. And that was in 2002?		
	187:04 A. Yes.		
	187:05 Q. At the time you went up for tenure, Bill		
	187:06 Braham, David Leatherbarrow, Marion Weiss,		
	187:07 Witold Rybcznski and Frank Matero, they were all		
	187:08 tenured professors; right?		
	187:09 A. Yes.		
	187:10 Q. So you would expect that they would have		
	187:11 voted on your tenure case?		
	187:12 A. Uh-huh, yes.		
187:16 - 188:08	Fierro, Annette 2022-08-11	00:00:34	AF_FINAL.30
	187:16 Q. And they voted in favor of granting you		
	187:17 tenure?		
	187:18 A. I had heard it was unanimous, so yes.		
	187:19 Q. And that is because were you qualified		

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DESIGNATION	SOURCE	DURATION	ID
	187:20 for tenure?		
	187:21 A. I hope so.		
	187:22 Q. You have no reason to doubt that they		
	187:23 voted on anything other than your qualifications,		
	187:24 do you?		
	188:01 A. Nope.		
	188:02 Q. And the same faculty members that I just		
	188:03 mentioned, they voted on Cathrine's tenure case;		
	188:04 right?		
	188:05 A. Yes.		
	188:06 Q. David Leatherbarrow and Bill Braham		
	188:07 actually submitted very positive letters in		
	188:08 support of your tenure case?		
188:13 - 188:13	Fierro, Annette 2022-08-11	00:00:03	AF_FINAL.31
	188:13 MS. KLIMENT: So we can do D-1.		
188:18 - 189:01	Fierro, Annette 2022-08-11	00:00:16	AF_FINAL.32
	188:18 Q. If you look at the second page of this		
	188:19 exhibit, it is signed by Bill Braham?		
	188:20 A. Yes, uh-huh.		
	188:21 Q. Would you understand this to be a letter		
	188:22 that Bill Braham wrote regarding your tenure		
	188:23 review?		
	188:24 A. I would suppose so, yeah. As I said,		
	189:01 I've never seen this, so I don't recognize it.		
189:07 - 189:21	Fierro, Annette 2022-08-11	00:00:30	AF_FINAL.33
	189:07 Q. I want to direct your attention to the		
	189:08 first paragraph of the letter.		
	189:09 A. Okay.		
	189:10 Q. It says, "I am more than honored to		
	189:11 write a letter of reference and support for		
	189:12 Annette Fierro's promotion to associate		
	189:13 professor in the department of architecture. I		
	189:14 have nothing but the deepest respect for Annette		
	189:15 and her work, and my greatest difficulty in		
	189:16 writing this letter comes from recognizing how		
	189:17 much I will have to leave out."		
	189:18 Would you agree that that is a		
	189:19 positive comment from Bill Braham regarding your		
	189:20 tenure qualifications?		
	189:21 A. It is very nice, yes.		

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DESIGNATION	SOURCE	DURATION	ID
190:08 - 190:19	Fierro, Annette 2022-08-11 190:08 Q. If you turn to the second page of the 190:09 exhibit, the very bottom, the last sentence it 190:10 says, "I am confident that Annette will continue 190:11 to teach and amaze us with the discoveries in 190:12 her research and can only conclude by urging you 190:13 to award her the promotion she has earned." 190:14 Is it fair to say Bill was strongly 190:15 supporting your tenure case? 190:16 A. Yes, in this letter, if this is his 190:17 letter, yes. 190:18 MS. KLIMENT: I wanted to show you 190:19 another document D-2.	00:00:35	AF_FINAL.34
190:24 - 191:07	Fierro, Annette 2022-08-11 190:24 Q. Looking at the document, the top right 191:01 side dated February 17, 2002. 191:02 A. Right. 191:03 Q. The first sentence says, "I write in 191:04 reply to your request to consider the promotion 191:05 and tenure of Assistant Professor Annette 191:06 Fierro." 191:07 A. Right.	00:00:14	AF_FINAL.35
191:13 - 192:19	Fierro, Annette 2022-08-11 191:13 Q. If you turn to the second page of this 191:14 exhibit, it is signed by David Leatherbarrow? 191:15 A. Uh-huh. 191:16 Q. Yes? 191:17 A. Yes, uh-huh. 191:18 Q. All right. The last sentence on this 191:19 page says, "This level of scholarly production 191:20 and teaching effectiveness would, I think, 191:21 entitle her to promotion and tenure at our peer 191:22 institutions." 191:23 A. Yes. 191:24 Q. Fair to say that he too was providing a 192:01 letter of support for your tenure case? 192:02 A. Yes. 192:03 Q. I think you testified earlier that you 192:04 heard that you received unanimous support from 192:05 the department faculty --	00:01:34	AF_FINAL.36

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DESIGNATION	SOURCE	DURATION	ID
	192:06 A. Yes.		
	192:07 Q. -- and also the personnel committee for		
	192:08 your tenure review?		
	192:09 A. I don't know that.		
	192:10 Q. D-3.		
	192:11 Top left side, this is a letter		
	192:12 dated February 26th of 2012?		
	192:13 A. Uh-huh.		
	192:14 Q. And if you look at the second page, it		
	192:15 is signed by Peter McCleary?		
	192:16 A. Yes.		
	192:17 Q. Who is Peter McCleary?		
	192:18 A. Peter McCleary is now a professor		
	192:19 emeritus of architecture. He has retired.		
192:23 - 194:13	Fierro, Annette 2022-08-11	00:01:30	AF_FINAL.37
	192:23 Q. In February of 2002, do you know what		
	192:24 Peter McCleary's position was?		
	193:01 A. I suppose he was, as the letter says,		
	193:02 chair, department of architecture personnel		
	193:03 committee.		
	193:04 Q. Okay.		
	193:05 So I want to direct your attention		
	193:06 to the first two paragraphs.		
	193:07 A. Okay.		
	193:08 Q. On the first page.		
	193:09 A. Uh-huh.		
	193:10 Q. The first one says, "At a meeting of the		
	193:11 department of architecture's personnel committee		
	193:12 comprised of all members of the standing faculty		
	193:13 in the department of architecture on 20 February		
	193:14 2002, the committee voted unanimously to		
	193:15 recommend the promotion of Annette Fierro to the		
	193:16 position of associate professor with tenure in		
	193:17 the department of architecture."		
	193:18 Do you see that?		
	193:19 A. Yes, uh-huh.		
	193:20 Q. Any reason to believe they did not vote		
	193:21 unanimously in favor of you?		
	193:22 A. No reason to believe.		
	193:23 Q. Okay. The next paragraph says, "The		

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DESIGNATION	SOURCE	DURATION	ID
	193:24 seven tenured standing faculty in architecture		
	194:01 who were present at the meeting and voted yes		
	194:02 were," and then it lists "Leatherbarrow,		
	194:03 Rybcznski, Braham, and Weiss." And it also		
	194:04 notes that "Associate Professor Matero voted		
	194:05 yes."		
	194:06 Do you see that?		
	194:07 A. Yes.		
	194:08 Q. So all of them voted in favor of your		
	194:09 tenure review?		
	194:10 A. Yes.		
	194:11 Q. So I asked you earlier about the		
	194:12 personnel committee vote in your case as well.		
	194:13 D-4.		
194:18 - 196:19	Fierro, Annette 2022-08-11	00:01:42	AF_FINAL.38
	194:18 Q. This is a letter dated April 3rd, 2002.		
	194:19 A. Okay.		
	194:20 Q. And if you look at the second page, it		
	194:21 is signed by Witold Rybcznski.		
	194:22 A. (Witness nods.)		
	194:23 Q. Sorry. Yes.		
	194:24 A. Yes, uh-huh.		
	195:01 Q. And he is listed as chair, personnel		
	195:02 committee; right?		
	195:03 A. Okay.		
	195:04 Q. If you look at the --		
	195:05 A. I think Peter was. That's what the last		
	195:06 letter was.		
	195:07 Q. I think Peter was the chair of the		
	195:08 department.		
	195:09 A. Oh, I see, department, okay. Got it,		
	195:10 okay.		
	195:11 Q. So this letter that we are looking at,		
	195:12 D-4, is from Witold Rybcznski.		
	195:13 A. Okay.		
	195:14 Q. To Dean Gary Hack; right?		
	195:15 A. Right, uh-huh.		
	195:16 Q. And if you look at the first paragraph		
	195:17 of the letter, it says, "The GSFA."		
	195:18 Do you know what GSFA is?		

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DESIGNATION	SOURCE	DURATION	ID
	195:19 A. Yes. The Graduate School of Fine Arts.		
	195:20 That was our former name.		
	195:21 Q. "The GSFA personnel committee met on		
	195:22 April 2 to review the promotion of Annette		
	195:23 Fierro to associate professor of architecture		
	195:24 with tenure. Present were Professors John Dixon		
	196:01 Hunt, Witold Rybcznski and Robert Slutzky."		
	196:02 A. Robert Slutzky is also an emeritus, yes.		
	196:03 Q. "Professor Peter McCleary was absent.		
	196:04 Professor John Keene recused himself from		
	196:05 discussion and voting on the case."		
	196:06 Do you see that?		
	196:07 A. Yes, uh-huh.		
	196:08 Q. And if you turn to the back of this		
	196:09 exhibit, the second page. Yep. The last		
	196:10 sentence says, "The four members of the		
	196:11 committee who voted voted unanimously to promote		
	196:12 Annette Fierro, associate professor of		
	196:13 architecture, with tenure, Peter McCleary voting		
	196:14 in absentia."		
	196:15 Do you see that?		
	196:16 A. Yes.		
	196:17 Q. So the personnel committee voted		
	196:18 unanimously in favor of promoting you?		
	196:19 A. Yes.		
196:24 - 204:02	Fierro, Annette 2022-08-11	00:07:50	AF_FINAL.39
	196:24 A. Okay.		
	197:01 Q. I think you testified earlier that at		
	197:02 the time you went up for tenure you had two		
	197:03 young children?		
	197:04 A. Uh-huh.		
	197:05 Q. And after the birth of each of your		
	197:06 kids, you took a semester off with pay?		
	197:07 A. Yes, uh-huh.		
	197:08 Q. And David Leatherbarrow supported you		
	197:09 taking that semester off?		
	197:10 A. Not entirely.		
	197:11 Q. He approved the semester off?		
	197:12 A. He did approve it.		
	197:13 Q. Okay.		

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DESIGNATION	SOURCE	DURATION	ID
197:14	You also got an extension of your		
197:15	probationary period for both of your kids?		
197:16	A. Yes.		
197:17	Q. When the faculty in the department of		
197:18	architecture considered your tenure case, they		
197:19	were aware that you had two children?		
197:20	A. Yes. Uh-huh.		
197:21	Q. And that you had extended your		
197:22	probationary period?		
197:23	A. Yes, uh-huh.		
197:24	Q. And Bill Braham, David Leatherbarrow,		
198:01	Witold Rybcznski, Marion Weiss and Frank Matero,		
198:02	they all voted in favor of you?		
198:03	A. Yes.		
198:04	Q. So you received support from some of the		
198:05	same departmental faculty who voted against		
198:06	Cathrine?		
198:07	A. Yes.		
198:08	Q. And you were ultimately granted tenure?		
198:09	A. Yes.		
198:10	Q. Before you went up for tenure, Marion		
198:11	Weiss went up for tenure; right?		
198:12	A. Yes.		
198:13	Q. And she was promoted with tenure?		
198:14	A. Yes.		
198:15	Q. At the time that she went up for tenure,		
198:16	David Leatherbarrow and Frank Matero were both		
198:17	tenured faculty?		
198:18	A. Yes.		
198:19	Q. She also received unanimous support;		
198:20	right?		
198:21	A. Right. Actually, I don't know that. I		
198:22	was not in that meeting.		
198:23	Q. And Marion Weiss remains a tenured		
198:24	faculty member within the department?		
199:01	A. No.		
199:02	Q. She is not tenured?		
199:03	A. She has stepped out of her tenured		
199:04	position to work on her practice. I think she's		
199:05	affiliated faculty now.		
199:06	Q. As of Cathrine's tenure review in 2011		

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DESIGNATION	SOURCE	DURATION	ID
199:07	and 2012, Marion Weiss was a tenured faculty		
199:08	member?		
199:09	A. Yes, uh-huh.		
199:10	Q. You testified earlier about Franca		
199:11	Trubiana?		
199:12	A. Uh-huh.		
199:13	Q. Since you and Marion went up for tenure,		
199:14	Franca also was considered for tenure?		
199:15	A. Yes.		
199:16	Q. And I believe you testified earlier that		
199:17	Franca is a woman?		
199:18	A. Yes.		
199:19	Q. You were part of the tenured faculty who		
199:20	voted on her case?		
199:21	A. Yes.		
199:22	Q. Other faculty members who voted on her		
199:23	case were Bill Braham, David Leatherbarrow,		
199:24	Frank Matero and Ali Rahim?		
200:01	A. Yes, uh-huh.		
200:02	Q. Bill Braham submitted a letter in		
200:03	support of Franca, didn't he?		
200:04	A. I don't remember. I wrote one of the		
200:05	letters for Franca also.		
200:06	MS. KLIMENT: I think, Julie, you		
200:07	have this, so give me one second.		
200:08	MS. UEBLER: The department letter		
200:09	and the CV is in that exhibit. Nothing else.		
200:10	MS. KLIMENT: Good point. Thank		
200:11	you.		
200:12	BY MS. KLIMENT:		
200:13	Q. So I am going to give you Bill Braham's		
200:14	letter. D-5.		
200:15	D-5 is a letter dated		
200:16	September 14th of 2015?		
200:17	A. Right.		
200:18	Q. And it is signed by Bill Braham?		
200:19	A. Right.		
200:20	Q. As part of Franca's tenure case, you		
200:21	would have reviewed this internal letter?		
200:22	A. Yes. I also wrote a letter.		
200:23	Q. I want to direct you to the first		

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DESIGNATION	SOURCE	DURATION	ID
200:24	sentence in the letter. It reads, "I am more		
201:01	than pleased to write a letter of support for		
201:02	Franca Trubiana's promotion to professor with		
201:03	tenure."		
201:04	Do you see that?		
201:05	A. Yes.		
201:06	Q. Then in that same paragraph the last		
201:07	sentence says, "At the outset, let me express my		
201:08	strong support for her promotion," and then it		
201:09	continues?		
201:10	A. Right, uh-huh.		
201:11	Q. If you turn to the last page of the		
201:12	exhibit, the last paragraph.		
201:13	A. Okay.		
201:14	Q. It says, "Franca Trubiano has been an		
201:15	excellent colleague and collaborator and is		
201:16	providing valuable leadership within the		
201:17	department, most recently as associate chair. I		
201:18	can only conclude with my strongest		
201:19	recommendation for this promotion."		
201:20	Do you see that?		
201:21	A. Yes, uh-huh.		
201:22	Q. Would you agree that this is a		
201:23	supportive letter from Bill Braham for Franca?		
201:24	A. I would.		
202:01	Q. Do you recall whether Frank Matero		
202:02	submitted a letter in Franca Trubiano's tenure		
202:03	case?		
202:04	A. No, I don't.		
202:05	Q. D-6.		
202:06	So this is a letter dated		
202:07	September 15th of 2015. Do you see that?		
202:08	A. Okay.		
202:09	Q. Do you see that?		
202:10	A. Uh-huh.		
202:11	Q. And the second page is signed by Frank		
202:12	Matero; right?		
202:13	A. Yes, uh-huh.		
202:14	Q. I want to direct your attention to the		
202:15	first page and it is the first paragraph, second		
202:16	sentence. It says, "After a careful review of		

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DESIGNATION	SOURCE	DURATION	ID
	202:17 her dossier, I am delighted to voice my		
	202:18 strongest support for her promotion."		
	202:19 Do you see that?		
	202:20 A. Yes, uh-huh.		
	202:21 Q. And then if you turn the page, the last		
	202:22 sentence in the last paragraph says, "Again,		
	202:23 Franca Trubiana's accomplishments more than		
	202:24 satisfy my endorsement for promotion to		
	203:01 associate professor with tenure."		
	203:02 Do you see that?		
	203:03 A. I do.		
	203:04 Q. Would you agree that this is also a		
	203:05 supportive letter by Frank Matero for Franca's		
	203:06 tenure case?		
	203:07 A. It is.		
	203:08 Q. Franca received unanimous support from		
	203:09 the department of architecture; right?		
	203:10 A. Yes, she did.		
	203:11 Q. So Bill, David, Frank and Ali all voted		
	203:12 in favor of Franca's tenure case?		
	203:13 A. As did I.		
	203:14 Q. She also received unanimous support at		
	203:15 the personnel committee level?		
	203:16 A. Uh-huh.		
	203:17 Q. Yes?		
	203:18 A. Yes, uh-huh. I mean I don't know that.		
	203:19 I'm not -- I don't know.		
	203:20 Q. Do you have any reason to believe she		
	203:21 did not get unanimous support?		
	203:22 A. I am not involved at that level so I		
	203:23 don't know what the vote is.		
	203:24 I'm also not privy to those letters		
	204:01 so I don't know.		
	204:02 Q. D-7.		
204:08 - 206:11	Fierro, Annette 2022-08-11	00:02:07	AF_FINAL.40
	204:08 Q. This is a letter dated October 28, 2015.		
	204:09 A. Okay.		
	204:10 Q. And if you look at the last page of the		
	204:11 exhibit, it is signed by Professor David		
	204:12 Leatherbarrow?		

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DESIGNATION	SOURCE	DURATION	ID
204:13	A. Yes.		
204:14	Q. As the chair of the personnel committee?		
204:15	A. Okay.		
204:16	Q. And if you go to the first page, the		
204:17	first paragraph, it says, "The personnel		
204:18	committee of the school of design met on		
204:19	October 28th, 2015, to consider the promotion of		
204:20	Assistant Professor Franca Trubiano to the rank		
204:21	of associate professor of architecture with		
204:22	tenure. The committee in attendance, Professors		
204:23	Lum, Tomlin and myself voted unanimously, three		
204:24	in favor and three against."		
205:01	Do you see that?		
205:02	A. And none against.		
205:03	Q. Sorry. "None against." Thank you for		
205:04	that clarification. So they voted unanimously		
205:05	in favor of Franca?		
205:06	A. Yes.		
205:07	Q. And as the chair, David Leatherbarrow		
205:08	offered a supportive letter?		
205:09	A. Right. I would assume so, yeah.		
205:10	Q. Well, let me direct your attention to		
205:11	the last paragraph of this letter. This is		
205:12	David's letter; right?		
205:13	A. If you say so. I don't have it.		
205:14	Q. The one that we are looking at.		
205:15	A. Oh, okay.		
205:16	Q. David Leatherbarrow signed it?		
205:17	A. Right, uh-huh.		
205:18	Q. The last paragraph says, "Based on these		
205:19	reviews and the professional recognition she has		
205:20	achieved, the committee voted unanimously in		
205:21	support of this appointment as noted above. The		
205:22	personnel committee joins me in urging you to		
205:23	support Franca Trubiana's promotion to the rank		
205:24	of associate professor of architecture with		
206:01	tenure."		
206:02	A. Yes, uh-huh.		
206:03	Q. When Franca went up for tenure, Marilyn		
206:04	Taylor was the dean of the school of design;		
206:05	right?		

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DESIGNATION	SOURCE	DURATION	ID
	206:06 A. Uh-huh.		
	206:07 Q. Dean Taylor also supported her		
	206:08 candidacy?		
	206:09 A. Uh-huh. I assume so. She got tenure,		
	206:10 yes.		
	206:11 Q. D-8.		
206:19 - 216:06	Fierro, Annette 2022-08-11	00:09:25	AF_FINAL.41
	206:19 Q. This is a letter dated November 20th of		
	206:20 2015; right?		
	206:21 A. Right, uh-huh.		
	206:22 Q. And if you look at the final page, it is		
	206:23 signed by Marilyn Taylor?		
	206:24 A. Right.		
	207:01 Q. And the first sentence, so back to the		
	207:02 first page -- sorry --		
	207:03 A. Okay.		
	207:04 Q. -- says I am pleased to present the		
	207:05 dossier of Dr. Franca Trubiana and to recommend		
	207:06 her with great enthusiasm for promotion to		
	207:07 associate professor with tenure in the school of		
	207:08 design."		
	207:09 Do you see that?		
	207:10 A. Yes, I do.		
	207:11 Q. So like you, Franca received support		
	207:12 from some of the same tenured faculty members in		
	207:13 the department who voted against Cathrine;		
	207:14 right?		
	207:15 A. Yes, uh-huh.		
	207:16 Q. And she was, Franca was ultimately		
	207:17 promoted with tenure?		
	207:18 A. Yes, uh-huh.		
	207:19 Q. I want to switch and talk a little bit		
	207:20 about external reviewers. You have testified at		
	207:21 length about external reviewers.		
	207:22 I believe you testified earlier		
	207:23 that you and Cathrine were friends?		
	207:24 A. Yes.		
	208:01 Q. You had a close relationship?		
	208:02 A. We were colleagues, close colleagues,		
	208:03 yeah.		

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DESIGNATION	SOURCE	DURATION	ID
208:04	Q. You also testified that you were		
208:05	disappointed that she was denied tenure?		
208:06	A. Certainly, uh-huh.		
208:07	Q. When considering a candidate for tenure,		
208:08	it is important not to base the decision based		
208:09	on friendship or personal feelings about the		
208:10	candidate; right?		
208:11	A. Certainly.		
208:12	Q. So assessments of whether a candidate		
208:13	should be promoted with tenure should be based		
208:14	on their objective qualifications?		
208:15	A. Certainly.		
208:16	Q. And whether you like or dislike someone		
208:17	personally should not be a factor?		
208:18	A. That is certainly right, uh-huh.		
208:19	Q. Would you agree that external reviewers		
208:20	are less likely to know candidates or tenured		
208:21	candidates personally than members of the		
208:22	department?		
208:23	A. Certainly. That's why they are asked.		
208:24	Q. Often external reviewers probably		
209:01	haven't even met the candidates that they are		
209:02	reviewing; right?		
209:03	A. I think technically external reviewers,		
209:04	some have knowledge of the candidates and some		
209:05	don't.		
209:06	Q. So external reviewers are different from		
209:07	members of the department who worked with and		
209:08	have gotten to know the candidate personally?		
209:09	A. Definitely.		
209:10	Q. I think you testified before that it is		
209:11	expected that the external reviewers will be		
209:12	more knowledgeable about the candidate's field		
209:13	or work than members of the department?		
209:14	A. Hopefully, yes.		
209:15	Q. That is why they are selected to do the		
209:16	external reviews?		
209:17	A. Hopefully, yes.		
209:18	Q. Is it fair to say that no member of the		
209:19	department would have known more about		
209:20	Cathrine's field than the external reviewers		

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DESIGNATION	SOURCE	DURATION	ID
209:21	that were selected in her case?		
209:22	A. About the field? I'm not sure. Because		
209:23	that was a question that came up, whether these		
209:24	people were in the field. So I don't know.		
210:01	Q. You testified earlier about Anthony		
210:02	Vidler; right?		
210:03	A. Yes, uh-huh.		
210:04	Q. And said that he was very knowledgeable		
210:05	with Cathrine's field; right?		
210:06	A. He's very knowledgeable period. He's		
210:07	written about all kinds of things.		
210:08	Q. Do you think there were any members of		
210:09	the department who were more knowledgeable than		
210:10	him?		
210:11	A. About the field? No.		
210:12	Q. Typically external reviewers are used to		
210:13	help members at Penn who are less familiar with		
210:14	the candidate's field to understand the work,		
210:15	its impact, its significance?		
210:16	A. I think that's how they are used		
210:17	everywhere, yeah.		
210:18	Q. And we talked a little bit earlier about		
210:19	they are also important because they're		
210:20	objective?		
210:21	A. Yes, uh-huh.		
210:22	Q. We talked or you talked with Julie about		
210:23	the ad hoc committee for Cathrine's tenure case?		
210:24	A. Yes.		
211:01	Q. Do you recall that?		
211:02	A. Uh-huh.		
211:03	Q. And you testified that Marion Weiss and		
211:04	Ali Rahim were members of the ad hoc committee?		
211:05	A. That's right.		
211:06	Q. When you learned that Marion and Ali		
211:07	were the ad hoc committee members, did you have		
211:08	any discussions with Bill Braham about why he		
211:09	selected them?		
211:10	A. I think the date of that shows that I		
211:11	didn't know in advance. I wish I had because		
211:12	maybe I would have. But I didn't do anything		
211:13	that day, no.		

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DESIGNATION	SOURCE	DURATION	ID
211:14	Q. Okay. So you did not discuss with Bill		
211:15	his selection of Marion and Ali?		
211:16	A. No, uh-uh.		
211:17	Q. So you don't know why he chose them?		
211:18	A. No.		
211:19	Q. When you learned that Marion and Ali		
211:20	were selected, did you tell Bill Braham or		
211:21	anyone else at Penn that you felt that they were		
211:22	not the right selection for the ad hoc		
211:23	committee?		
211:24	A. I think I said something to him later		
212:01	about that, but at the time, no. No.		
212:02	Q. Did you ask Bill Braham to select		
212:03	someone else other than Ali Rahim or Marion		
212:04	Weiss?		
212:05	A. I already said I didn't talk to him. So		
212:06	no.		
212:07	Q. Did you talk to any one on the personnel		
212:08	committee about your views of selection of Ali		
212:09	Rahim and Marion Weiss to the ad hoc committee?		
212:10	A. No. You have to understand, I had		
212:11	already raised serious objections in the letter		
212:12	to Bill. There is just so much stuff that you		
212:13	can put out there without damaging your		
212:14	credibility. I had already really pushed hard		
212:15	by the letter that I had written to Bill.		
212:16	Q. You testified earlier about the		
212:17	April 6th faculty meeting during Cathrine's		
212:18	initial tenure review.		
212:19	A. Right.		
212:20	Q. Do you recall that?		
212:21	A. Yes.		
212:22	Q. And you testified earlier that the		
212:23	faculty heavily discussed the content of the		
212:24	external letters?		
213:01	A. Yes.		
213:02	Q. The faculty discussed concerns that were		
213:03	raised by some of the external reviewers?		
213:04	A. Yes, uh-huh.		
213:05	Q. And there was discussion of Judith		
213:06	Sheine's letter because it was particularly		

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DESIGNATION	SOURCE	DURATION	ID
213:07	negative?		
213:08	A. Right.		
213:09	Q. Some faculty seemed to give more weight		
213:10	to the criticisms in the external reviewers'		
213:11	letters?		
213:12	A. I have a hard time remembering, you		
213:13	know, how that discussion went specifically. We		
213:14	were all concerned because whenever there is		
213:15	even a negative sentence in the reviewers, it		
213:16	qualifies a candidate. So a lot of time is		
213:17	spent looking at the letters for negative		
213:18	perceptions.		
213:19	Q. During the faculty meeting, some faculty		
213:20	expressed that Cathrine's case was weak, didn't		
213:21	they?		
213:22	A. I think we were concerned because of		
213:23	some of the letters. I know Ali said the case		
213:24	was weak, but I don't remember anyone else		
214:01	saying the case was weak in that meeting. I		
214:02	know that there has been discussion on that, but		
214:03	honestly, I don't. I think we talked about, you		
214:04	know, how it was hanging in the balance because		
214:05	of the letters, but I don't really remember		
214:06	anyone saying that her case was weak.		
214:07	Q. Do you recall an exchange with Witold		
214:08	Rybcznski after the faculty member -- after the		
214:09	faculty meeting regarding any comments by		
214:10	faculty that the case was weak?		
214:11	A. I think when I wrote the note to Bill		
214:12	and copied all of the faculty, I think he wrote		
214:13	back to Bill and said that he remembered people		
214:14	saying it was weak, but I don't remember that.		
214:15	Q. And "he," is Witold?		
214:16	A. Yes, he is Witold, yes, Witold		
214:17	Rybcznski, yeah.		
214:18	Q. And at the time of the meeting you had		
214:19	reviewed the ad hoc committee report --		
214:20	A. Yes.		
214:21	Q. -- that was prepared by Marion and Ali?		
214:22	A. Yes.		
214:23	Q. So at the time of the meeting, at least		

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DESIGNATION	SOURCE	DURATION	ID
	214:24 three members of the department, Marion Weiss,		
	215:01 Ali Rahim and Witold Rybcznski had expressed		
	215:02 concerns about the strength of Cathrine's tenure		
	215:03 case?		
	215:04 A. I believe Witold voted for her.		
	215:05 So Marion wasn't at the meeting.		
	215:06 The letter was not exactly damning. It was just		
	215:07 not really well informed. I knew that Ali		
	215:08 wasn't going to support Cathrine. But the		
	215:09 others were nebulous.		
	215:10 Q. You didn't consider the ad hoc committee		
	215:11 report by Marion and Ali to be negative?		
	215:12 A. Well, I don't think it was damning. I		
	215:13 think they sort of said a lot of things, which		
	215:14 to me indicated they really didn't understand		
	215:15 the work.		
	215:16 Q. So you didn't have any concerns about		
	215:17 the ad hoc committee report being negative?		
	215:18 A. It wasn't that it was -- it was damning		
	215:19 in its neutrality, you know? Like when letters		
	215:20 are too short, it is damning in neutrality.		
	215:21 Q. I want to talk a little bit about what		
	215:22 we have referred as the re-review.		
	215:23 A. Uh-huh.		
	215:24 Q. So the second tenure review in 2012.		
	216:01 A. Okay.		
	216:02 Q. Is it fair to say that giving someone a		
	216:03 second tenure review is uncommon at Penn?		
	216:04 A. Right.		
	216:05 Q. You agreed with the decision to give		
	216:06 Cathrine a new review though; right?		
216:09 - 220:01	Fierro, Annette 2022-08-11	00:04:34	AF_FINAL.42
	216:09 THE WITNESS: I agreed -- I thought		
	216:10 given all of the irregularities, I thought		
	216:11 certainly she should get another review.		
	216:12 BY MS. KLIMENT:		
	216:13 Q. You testified earlier that at the time		
	216:14 of Cathrine's re-review in 2012 David		
	216:15 Leatherbarrow was the chair; is that right?		
	216:16 A. Yes, uh-huh.		

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DESIGNATION	SOURCE	DURATION	ID
216:17	Q. And I think you also testified that in		
216:18	the initial review he had supported Cathrine?		
216:19	A. Right.		
216:20	Q. And he had voted in favor of granting		
216:21	her tenure in the initial review?		
216:22	A. Yes.		
216:23	Q. In the re-review, there was an entirely		
216:24	new set of external reviews; right?		
217:01	A. Yes.		
217:02	Q. So that meant that David Leatherbarrow		
217:03	and the rest of the faculty would be looking at		
217:04	new information?		
217:05	A. New letters, yeah. Not really new		
217:06	material.		
217:07	Q. New external assessments of Cathrine?		
217:08	A. Right, uh-huh.		
217:09	Q. And all the faculty, including David,		
217:10	would be expected to consider the new letters?		
217:11	A. How people on the faculty incorporate		
217:12	their regard for the external letters often		
217:13	depends on whether they agree with them or not.		
217:14	I would say I think it is more fair to say that		
217:15	their impression of the candidate is governed by		
217:16	all kind of different factors.		
217:17	Q. When you got, when you were assessing		
217:18	Cathrine in the re-review, did you review the		
217:19	external letters?		
217:20	A. I did lots of them, yes. I didn't		
217:21	include them because I hadn't really had time to		
217:22	read them.		
217:23	Q. Do you have any reason to believe that		
217:24	the other faculty did not review the external		
218:01	letters?		
218:02	A. I have no idea.		
218:03	Q. The external letters that were received		
218:04	in the re-review --		
218:05	A. Uh-huh.		
218:06	Q. -- they were more critical of Cathrine's		
218:07	case than the first set, weren't they?		
218:08	A. A bit more, yeah. I think there was one		
218:09	letter, which was interesting.		

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DESIGNATION	SOURCE	DURATION	ID
218:10	Q. Let's look at a few.		
218:11	D-9.		
218:12	This is a letter dated		
218:13	November 18th of 2011.		
218:14	A. Right.		
218:15	Q. And if you look at the second page, it		
218:16	is signed by Sylvia Lavin.		
218:17	A. That's right.		
218:18	Q. And she was an external reviewer during		
218:19	Cathrine's re-review?		
218:20	A. That's right.		
218:21	Q. I want to direct your attention to the		
218:22	second paragraph on the first page.		
218:23	A. Right.		
218:24	Q. It reads, "The most troubling feature of		
219:01	the dossier is the candidate's difficulty in		
219:02	distinguishing her work from that of others and		
219:03	therefore in articulating the epistemological		
219:04	basis of her research. Her text on Lina		
219:05	Bo Bardi is cursory rather than scholarly, and		
219:06	while translation is certainly an onerous task,		
219:07	it does not rise to the occasion of research and		
219:08	risks, instead suggesting that Ms. Veikos does		
219:09	not see where her work on Bo Bardi's stops and		
219:10	Bo Bardi's own work begins.		
219:11	Do you see that?		
219:12	A. I do.		
219:13	Q. Then I want to direct your attention to		
219:14	the second page, the final paragraph which		
219:15	reads, "While Miss Veikos seems keenly		
219:16	interested in teaching, her achievements are not		
219:17	on a par with others at her level and she would		
219:18	not be recommended to tenure at either		
219:19	Princeton, where I am a visiting professor, nor		
219:20	at UCLA, where I was chair for ten years."		
219:21	Do you see that?		
219:22	A. I do.		
219:23	Q. Would you agree that that is critical of		
219:24	Cathrine's tenure case?		
220:01	A. It is.		

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DESIGNATION	SOURCE	DURATION	ID
220:07 - 222:22	Fierro, Annette 2022-08-11	00:03:21	AF_FINAL.43
220:07	Q. Let's look at another letter.		
220:08	D-10. Let me know when you have		
220:09	had a chance to look at it.		
220:10	A. (Pause.)		
220:11	Okay.		
220:12	Q. Okay, so D-10 is a letter dated		
220:13	January 25th of 2012; right?		
220:14	A. Right, uh-huh.		
220:15	Q. It is signed by Jean-Louis Cohen. My		
220:16	French is not very good. Is that right?		
220:17	A. You did well.		
220:18	Q. Thank you.		
220:19	I want to direct your attention to		
220:20	the second page of the exhibit.		
220:21	A. Okay.		
220:22	Q. The middle paragraph, second sentence,		
220:23	it starts with "Considering." Do you see that?		
220:24	A. I do.		
221:01	Q. And it reads, "Considering all the		
221:02	elements communicated, my perception is Cathrine		
221:03	Veikos is a competent instructor and critic, but		
221:04	the incomplete status of her introduction to		
221:05	Bo Bardi's writings doesn't lead me to reach		
221:06	definitive conclusions in respect to her		
221:07	scholarly qualification."		
221:08	Do you see that?		
221:09	A. I do.		
221:10	Q. It continues, "Active and up to date in		
221:11	respect to contemporary developments in theory		
221:12	and criticism, she would probably need to break		
221:13	the mold and enlarge her interpretation to		
221:14	architects other than Bo Bardi after having		
221:15	completed and published her first long work in		
221:16	order to fully demonstrate the validity of her		
221:17	critical hypothesis."		
221:18	Do you see that?		
221:19	A. Yes. That points to her future, yes.		
221:20	Q. And one more.		
221:21	D-11.		
221:22	Let me know when you get a chance		

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DESIGNATION	SOURCE	DURATION	ID
	221:23 to look at it.		
	221:24 A. (Pause.)		
	222:01 Okay.		
	222:02 Q. So this is a letter dated January 20th		
	222:03 of 2012?		
	222:04 A. Right.		
	222:05 Q. And it is signed by Mark Linder?		
	222:06 A. Uh-huh.		
	222:07 Q. He was also an external reviewer in		
	222:08 Cathrine's re-review?		
	222:09 A. Right, uh-huh.		
	222:10 Q. I want to direct your attention to the		
	222:11 second page, the second full paragraph.		
	222:12 Do you see that?		
	222:13 A. Yes, uh-huh.		
	222:14 Q. And this one is a little long, so I		
	222:15 apologize in advance.		
	222:16 A. Oh, wait. Is it the second page or the		
	222:17 first page?		
	222:18 Q. The second page, it starts with		
	222:19 "the two books." Do you see that?		
	222:20 A. Okay.		
	222:21 Q. Are you seeing that?		
	222:22 A. Is it this one, right?		
223:04 - 226:19	Fierro, Annette 2022-08-11	00:03:58	AF_FINAL.44
	223:04 BY MS. KLIMENT:		
	223:05 Q. "The two books on Bo Bardi are thorough		
	223:06 presentations of an intriguing architect of the		
	223:07 late modern era. Like most of Ms. Veikos's		
	223:08 other writing, the subject is both important and		
	223:09 timely, but the significance of her insights or		
	223:10 scholarship is limited. Miss Veikos's extensive		
	223:11 writing on Bo Bardi tends to be descriptive and		
	223:12 explanatory rather than analytical or		
	223:13 speculative. While she is thorough and		
	223:14 scrupulous in her research, her writing does not		
	223:15 open up significant historical or theoretical		
	223:16 questions about Bo Bardi's work, such as how her		
	223:17 unique status and background may refine our		
	223:18 understanding of the political effect of modern		

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DESIGNATION	SOURCE	DURATION	ID
223:19	architecture or how Brazilian modernism may have		
223:20	developed or produced alternative traditions or		
223:21	methods. In general, Miss Veikos's work tends		
223:22	to reiterate the writings of others and to		
223:23	suggest affiliations rather than construct		
223:24	arguments or rigorous readings of the archival		
224:01	material."		
224:02	Do you see that?		
224:03	A. Are you going to read the last sentence,		
224:04	which is much more complimentary?		
224:05	Q. We can. But do you see that?		
224:06	A. I do.		
224:07	Q. And then the next paragraph says,		
224:08	"Overall Miss Veikos has produced work of a		
224:09	quality that is rare among design faculty in		
224:10	schools of architecture, though as scholarship		
224:11	the work does not compare favorably to others in		
224:12	the field of history and theory."		
224:13	Do you see that?		
224:14	A. Yes, uh-huh.		
224:15	Q. The comments that I just read to you		
224:16	from the last three exhibits, would you agree		
224:17	that they are critical?		
224:18	A. They are critical, I would say. Do they		
224:19	close a case? No, because each one of these		
224:20	goes on to say something positive. So they are		
224:21	taken out of context a bit. Wouldn't you agree?		
224:22	Because he goes on to say,		
224:23	"Nevertheless, her careful presentation of		
224:24	Bo Bardi's work and its place in the		
225:01	international spread of modernist design offer		
225:02	important contributions to the field. The		
225:03	translation of Bo Bardi's 1957 thesis is in		
225:04	itself a significant resource for an English		
225:05	speaking audience."		
225:06	Q. Do you think it is fair that someone		
225:07	could read these comments and find them to be		
225:08	negative or critical?		
225:09	A. If they were looking for it, sure, yeah.		
225:10	Q. Well, also in the inverse, you could be		
225:11	looking for the positive; right?		

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DESIGNATION	SOURCE	DURATION	ID
	225:12 A. Always. Always.		
	225:13 Q. At the time of the re-review, the		
	225:14 reviewers would have been aware that Routledge		
	225:15 had committed to publish Cathrine's manuscript;		
	225:16 right?		
	225:17 A. I hope so. You know, that one note		
	225:18 about the incomplete nature of the manuscript is		
	225:19 a bit troubling in that respect.		
	225:20 Q. Do you have any reason to believe that		
	225:21 they did not other than that comment?		
	225:22 A. I don't.		
	225:23 Q. Do you have any recollection of concerns		
	225:24 during the re-review that the reviewers did not		
	226:01 know that Cathrine had received a commitment to		
	226:02 publish her book?		
	226:03 A. I don't remember that coming up, no.		
	226:04 Q. And during the re-review, Cathrine could		
	226:05 have indicated on her CV that she had received a		
	226:06 commitment to publish the book; right?		
	226:07 A. Yes, uh-huh.		
	226:08 Q. All of the reviewers during the		
	226:09 re-review also would have been aware of her		
	226:10 extension; right?		
	226:11 A. I hope so. I didn't see the letter		
	226:12 requesting, but I would imagine, yes.		
	226:13 Q. Did you have any concerns at the time of		
	226:14 the re-review that external reviewers were not		
	226:15 aware that she had received an extension of her		
	226:16 probationary period?		
	226:17 A. No.		
	226:18 Q. D-12.		
	226:19 A. Again, very difficult to read.		
227:01 - 227:20	Fierro, Annette 2022-08-11	00:00:43	AF_FINAL.45
	227:01 Q. Have you had a chance to review it?		
	227:02 A. Yes. And I think you are looking		
	227:03 for "in accordance"?		
	227:04 Q. Yes. You can read that sentence.		
	227:05 A. It talks about how she was granted an		
	227:06 extension to the mandatory review period for		
	227:07 family leave, yes.		

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DESIGNATION	SOURCE	DURATION	ID
	227:08 Q. And that is the language that you had		
	227:09 testified earlier that should be in a		
	227:10 solicitation letter to an external reviewer,		
	227:11 right?		
	227:12 A. According to the regulations of the		
	227:13 university, yes.		
	227:14 Q. So the criticisms that I read to you		
	227:15 earlier by external reviewers were made at a		
	227:16 time that they had information about the		
	227:17 commitment of Routledge to publish Cathrine's		
	227:18 book, and also with the knowledge that she had		
	227:19 received an extension; right?		
	227:20 A. Uh-huh.		
227:24 - 229:01	Fierro, Annette 2022-08-11	00:01:03	AF_FINAL.46
	227:24 Q. Counsel asked you about some other		
	228:01 tenure decisions, so I want to inquire about		
	228:02 that a little bit.		
	228:03 You voted on approximately nine		
	228:04 tenure cases --		
	228:05 A. Yes.		
	228:06 Q. -- during your time at Penn?		
	228:07 A. Uh-huh.		
	228:08 Q. When voting, you wouldn't vote in favor		
	228:09 unless you felt that the candidate met		
	228:10 qualifications for tenure; right?		
	228:11 A. No.		
	228:12 Q. Is it fair to say that tenured faculty		
	228:13 members can have differing opinions about a		
	228:14 candidate's qualifications?		
	228:15 A. Of course.		
	228:16 Q. You have disagreed with some of your		
	228:17 colleague's assessments of tenure candidates		
	228:18 before and after Cathrine Veikos; right?		
	228:19 A. Yes, I have.		
	228:20 Q. And the disagreements that you had --		
	228:21 actually, strike that.		
	228:22 When you had those disagreements,		
	228:23 they were based on the merits of the case from		
	228:24 your perspective?		
	229:01 A. Yes, with qualifications.		

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DESIGNATION	SOURCE	DURATION	ID
231:15 - 232:11	Fierro, Annette 2022-08-11	00:00:41	AF_FINAL.47
	231:15 Q. You testified earlier about Ali Rahim's		
	231:16 tenure review. Do you recall that?		
	231:17 A. Yes.		
	231:18 Q. And I believe you testified, but if not,		
	231:19 I will make sure, Ali Rahim is male?		
	231:20 A. Yes.		
	231:21 Q. And you voted in favor of Ali?		
	231:22 A. I did, uh-huh.		
	231:23 Q. So you believe he too was qualified for		
	231:24 tenure?		
	232:01 A. Yes, according to the evidence.		
	232:02 Q. David Leatherbarrow voted against Ali		
	232:03 Rahim, didn't he?		
	232:04 A. Oh, yes.		
	232:05 Q. And he, at the time, David Leatherbarrow		
	232:06 was also the chair of the personnel committee?		
	232:07 A. That's right.		
	232:08 Q. And he wrote a negative letter saying		
	232:09 that he could not give an unqualified		
	232:10 recommendation for Ali Rahim?		
	232:11 A. That's right.		
234:03 - 234:04	Fierro, Annette 2022-08-11	00:00:07	AF_FINAL.48
	234:03 Q. During your earlier testimony, you		
	234:04 referenced some comments that were made.		
234:11 - 235:19	Fierro, Annette 2022-08-11	00:01:19	AF_FINAL.57
	234:11 Q. Comments by David Leatherbarrow		
	234:12 regarding you traveling to Japan?		
	234:13 A. Yes.		
	234:14 Q. Asking you to do research while you were		
	234:15 on leave?		
	234:16 A. Right.		
	234:17 Q. When were those comments made?		
	234:18 A. Well, I was eight months pregnant, so		
	234:19 that would have been December 1996. Adele		
	234:20 Santos, I had just come on the, onto the		
	234:21 faculty, so it would have been '93 to '95. As I		
	234:22 said, I heard it more than once.		
	234:23 Q. So they were made in the 1990s?		
	234:24 A. Yes.		

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DESIGNATION	SOURCE	DURATION	ID
	235:01 Q. They were made about 10 to 20 years		
	235:02 before Cathrine went up for tenure?		
	235:03 A. She went up in 2011, so that would have		
	235:04 been twelve years, 13 years.		
	235:05 Q. None of the comments that you identified		
	235:06 were made to or about Cathrine; right?		
	235:07 A. No.		
	235:08 Q. And none of them were made during		
	235:09 Cathrine's tenure review?		
	235:10 A. About Cathrine or about me?		
	235:11 Q. Yeah, the comments that you had		
	235:12 referenced --		
	235:13 A. Right.		
	235:14 Q. -- from 1993 to 1996 --		
	235:15 A. Right.		
	235:16 Q. -- they were not made while Cathrine was		
	235:17 being reviewed for tenure; right?		
	235:18 A. No, but I was speaking to the general		
	235:19 culture and awareness of the faculty.		
237:08 - 238:18	Fierro, Annette 2022-08-11	00:01:27	AF_FINAL.49
	237:08 Q. Just a couple questions before we wrap		
	237:09 up, Professor Fierro.		
	237:10 At the time of your tenure review,		
	237:11 was Bill Braham the chair?		
	237:12 A. No. David Leatherbarrow was the chair		
	237:13 and then -- for the appointment. And then		
	237:14 Richard Wesley was actually the acting chair,		
	237:15 right.		
	237:16 Q. So as of your tenure review, so the time		
	237:17 that the faculty was voting on your case --		
	237:18 A. Yes, Richard Wesley was the chair then.		
	237:19 Q. So it wasn't Bill Braham?		
	237:20 A. No.		
	237:21 Q. And it wasn't David Leatherbarrow?		
	237:22 A. No.		
	237:23 Q. When counsel was questioning you about		
	237:24 the time you took off when you had your		
	238:01 children --		
	238:02 A. Yes.		
	238:03 Q. -- and there was some questioning around		

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DESIGNATION	SOURCE	DURATION	ID
	238:04 Professor Leatherbarrow supporting you, I think		
	238:05 you said "not entirely" that he supported you.		
	238:06 A. Right.		
	238:07 Q. Could you elaborate on what you meant?		
	238:08 A. Well, it is almost admitting how naive I		
	238:09 was. He gave me a semester off, but I agreed to		
	238:10 teach extra afterwards, not understanding what		
	238:11 that was going to be like. So I was teaching		
	238:12 extra to try to make up for that semester		
	238:13 because I, you know, thought I owed it to the		
	238:14 department. And, you know, I almost ended up in		
	238:15 the hospital because I was so exhausted.		
	238:16 Q. When you say you taught more, was that		
	238:17 at somebody's request?		
	238:18 A. David's.		
240:23 - 241:15	Fierro, Annette 2022-08-11	00:00:44	AF_FINAL.50
	240:23 A. Oh, yes.		
	240:24 Q. And he was the chair in charge of		
	241:01 Cathrine's re-review; correct?		
	241:02 A. That's right, uh-huh.		
	241:03 Q. So he would have been the one to pick		
	241:04 the external reviewers?		
	241:05 A. That's right.		
	241:06 Q. There was some questioning about the		
	241:07 letter from Professor Cohen.		
	241:08 A. Yes.		
	241:09 Q. You wanted to elaborate a little bit on		
	241:10 counsel's questions about there were some		
	241:11 negative comments in the letter. And I wanted		
	241:12 to give you a chance to tell the jury what you		
	241:13 thought of Professor Cohen's position on		
	241:14 Cathrine Veikos's qualifications without having		
	241:15 to respond to counsel's direction?		
241:19 - 241:20	Fierro, Annette 2022-08-11	00:00:05	AF_FINAL.51
	241:19 Q. In other words, how did you interpret		
	241:20 this letter as an external review letter?		
241:22 - 243:05	Fierro, Annette 2022-08-11	00:01:31	AF_FINAL.52
	241:22 THE WITNESS: I mean I suppose it's		
	241:23 my job to understand like these kinds of		
	241:24 critical readings. That's how I evaluate people		

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DESIGNATION	SOURCE	DURATION	ID
242:01	who apply for positions. That's how I evaluate		
242:02	writings that I am asked to read. So I don't		
242:03	think it is actually outside of my purview of		
242:04	expertise. I thought, first of all, the letter		
242:05	was very short. I wondered how much time he had		
242:06	spent on it. Jean-Louis Cohen is known for		
242:07	being extremely prolific. The joke is that he		
242:08	writes every introduction to every big book out		
242:09	there. It is like how on earth does he do all		
242:10	this.		
242:11	He noted that Bo Bardi's earlier		
242:12	experience in Italy, these texts would reveal to		
242:13	the public the intensity of the theoretical		
242:14	critical conversation on architecture that		
242:15	developed in Brazil from the 1940s onward.		
242:16	I mean I know Cathrine talked about		
242:17	that in the introduction. She went to great		
242:18	lengths to find, you know, all of the different		
242:19	kinds of connections. So I don't think that's		
242:20	quite accurate.		
242:21	And then the incomplete status of		
242:22	her introduction, I think we've heard from many		
242:23	other letters that that, that that introduction		
242:24	was book length, and if anything it had too many		
243:01	references that needed to be structured more.		
243:02	So I don't think that was accurate either.		
243:03	I mean that's my own kind of read		
243:04	on this letter as an architectural professor at		
243:05	the University of Pennsylvania.		
243:07 - 244:15	Fierro, Annette 2022-08-11	00:01:20	AF_FINAL.53
243:07	Q. Let's take a look also at Mark Linder's		
243:08	letter, that was D-11.		
243:09	A. Right.		
243:10	Q. I was interested in the questioning		
243:11	around that second page, the last paragraph of		
243:12	that letter. We will wait until you have it in		
243:13	front of you.		
243:14	A. Okay.		
243:15	Q. I might need my glasses for this one.		
243:16	So that last paragraph of Professor		

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DESIGNATION	SOURCE	DURATION	ID
	243:17 Linder's letter, I think counsel directed you to		
	243:18 the sentence that says, "Overall Miss Veikos has		
	243:19 produced work of a quality that is rare among		
	243:20 design faculty and schools of architecture,		
	243:21 though as scholarship the work does not compare		
	243:22 favorably to others in the fields of history and		
	243:23 theory."		
	243:24 But was she in the field of history		
	244:01 and theory?		
	244:02 A. No. She was in visual studies.		
	244:03 Q. Counsel was asking you some questions		
	244:04 about when you have had, you as a voting member		
	244:05 of the faculty, had disagreements with other		
	244:06 members of the voting faculty about a tenure		
	244:07 candidate.		
	244:08 A. Right.		
	244:09 Q. You, I think, can confirm that often it		
	244:10 is about their qualifications?		
	244:11 A. Right.		
	244:12 Q. But you indicated, I think, that it is a		
	244:13 gray area, but were cut off from elaborating on		
	244:14 that. Would you like to elaborate on your		
	244:15 response?		
244:17 - 245:15	Fierro, Annette 2022-08-11	00:01:17	AF_FINAL.54
	244:17 THE WITNESS: When we vote on		
	244:18 tenure, we are also voting on things like what		
	244:19 the school needs. We're voting on the addition		
	244:20 to the curriculum. We're voting on the addition		
	244:21 of material that may not mean much to someone		
	244:22 else, but material which one might feel is very		
	244:23 important.		
	244:24 Helene Furjan, for example, had		
	245:01 resuscitated a decades dead journal called Via		
	245:02 and had done so in a magnificent way. She got		
	245:03 it published by MIT.		
	245:04 And I sort of wonder at how much		
	245:05 weight those things are really given. The kind		
	245:06 of extra human effort that people go through		
	245:07 that we are privy to on the inside. And I think		
	245:08 we are all vacillating on ways to regard		

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DESIGNATION	SOURCE	DURATION	ID
	245:09 candidates and certainly at the department level		
	245:10 it doesn't depend entirely on the external		
	245:11 letters.		
	245:12 In fact, usually the things that		
	245:13 the external letters say are trying to be worked		
	245:14 around. And depending on whether there is a		
	245:15 positive view of the candidate.		
247:08 - 247:09	Fierro, Annette 2022-08-11	00:00:02	AF_FINAL.55
	247:08 MS. UEBLER: Thank you. I don't		
	247:09 have anything further.		

Full Final Designations	03:02:13
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TOTAL RUN TIME	03:02:13
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